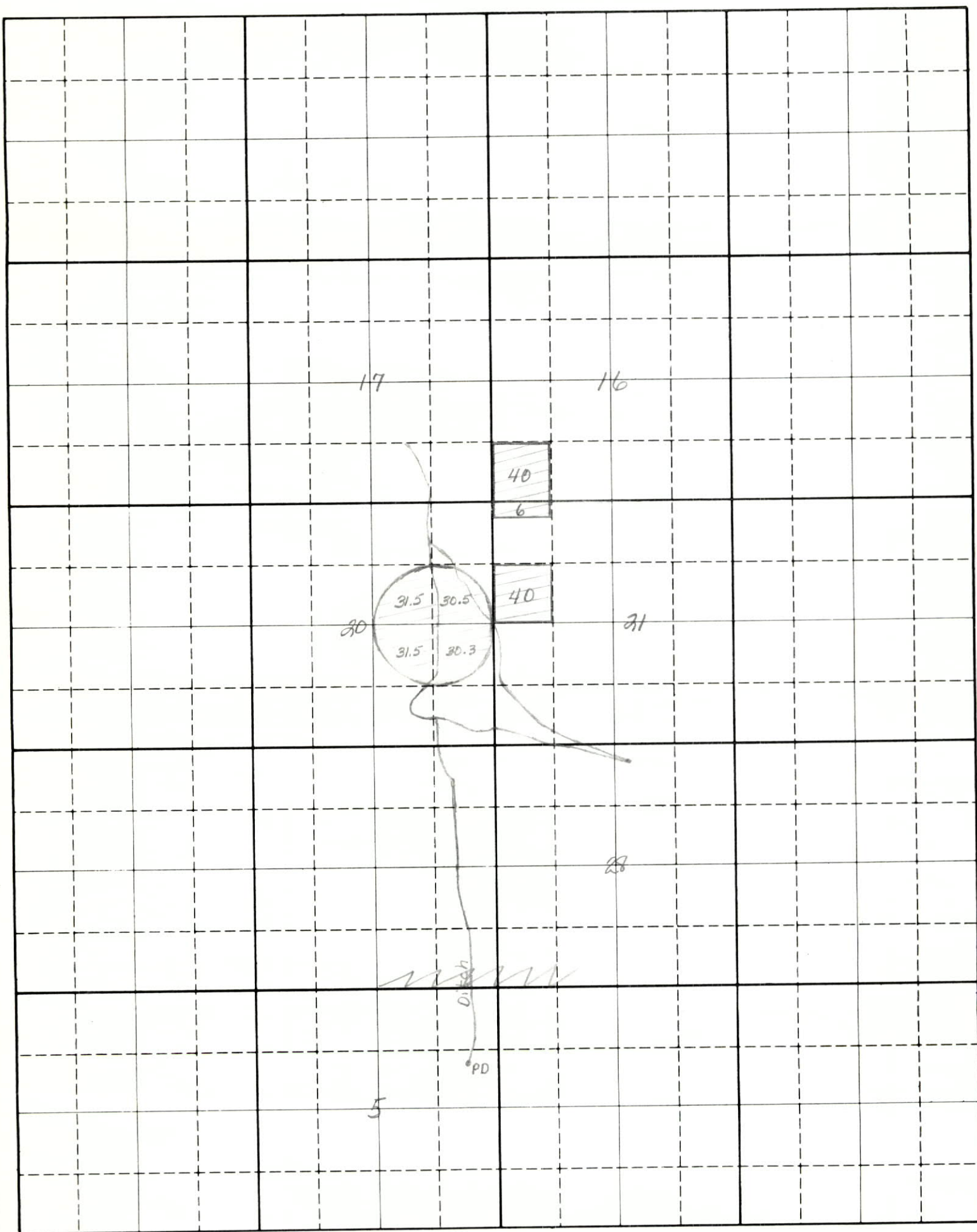


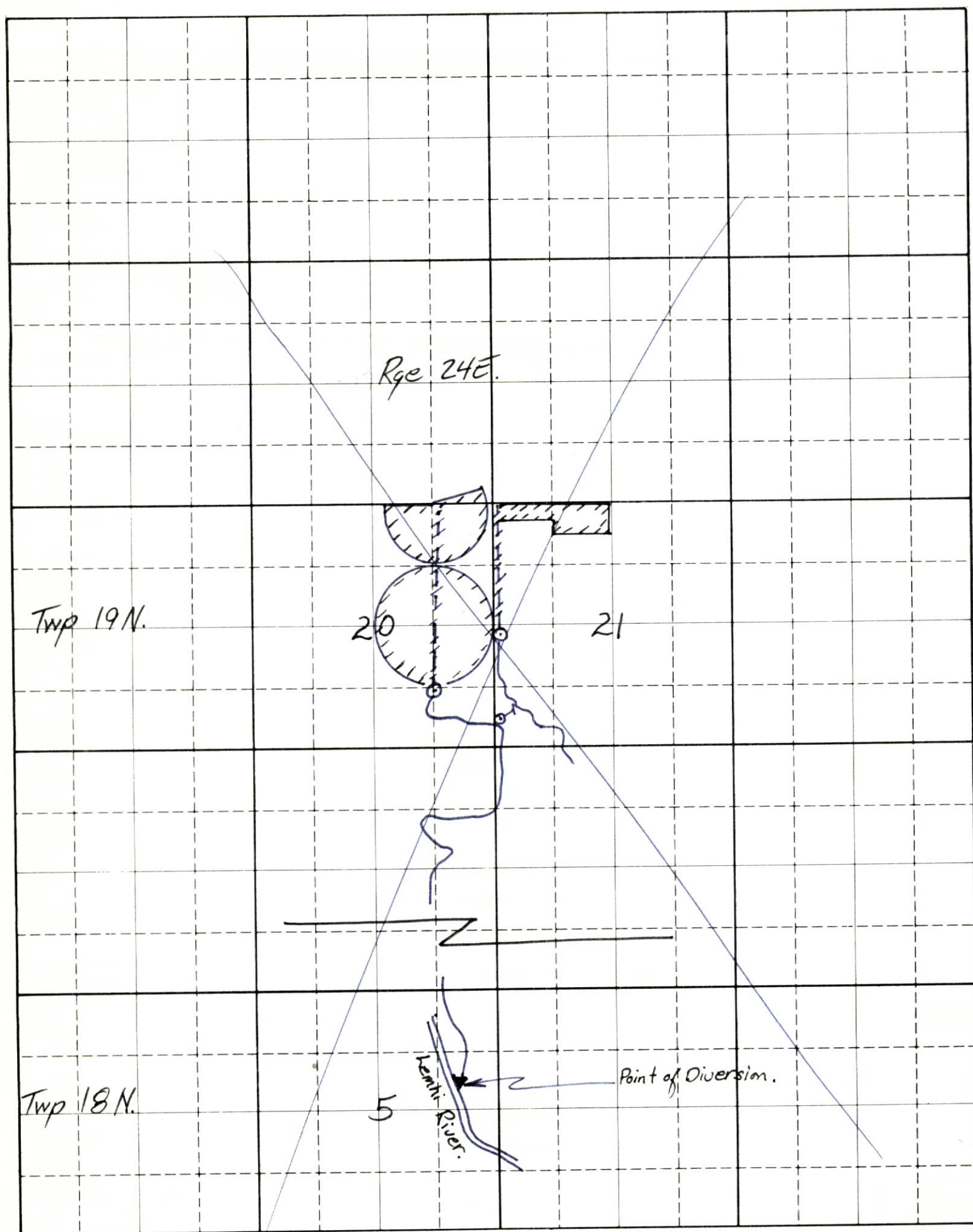
- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED

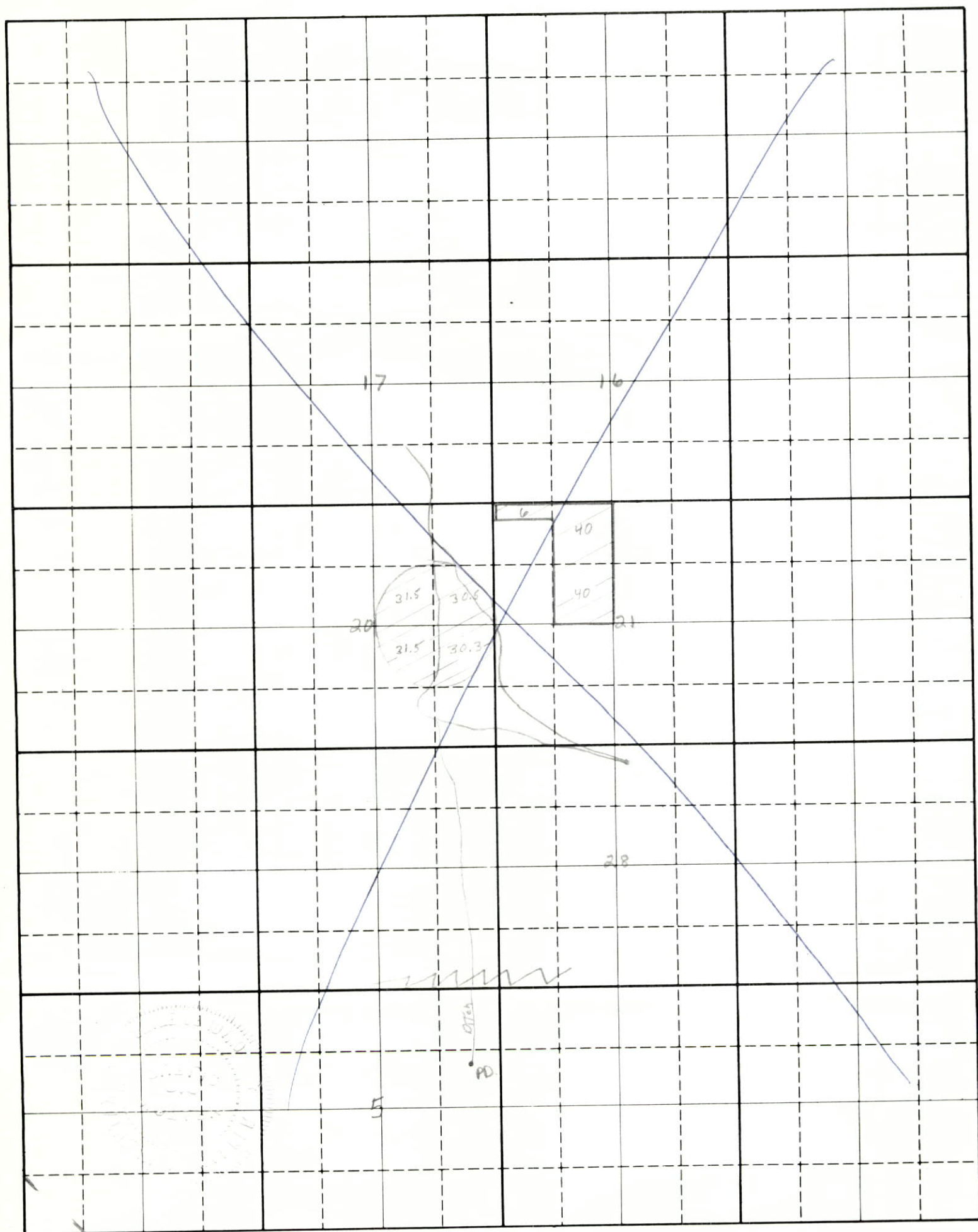
3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED

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



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

UNPROCESSED

NOTICE OF PROPOSED
AMENDING OF
APPLICATION FOR
TRANSFER
NO. 74-0404/0249

Notice is hereby given
that amended transfers
were filed by James Stod-
ard as follows:

NO. 74-0404 AMOUNT:
10.3 cfs PRIORITY: June
1, 1914

DECREED POINT OF
DIVERSION: SENE, Sec.
5, T. 18N, R. 24E, B.M.,
Lemhi County. SOURCE:
Lemhi River

NO. 74-0249 AMOUNT:
3.80 cfs PRIORITY: Nov.
27, 1919

DECREED POINT OF
DIVERSION: NWNE,
Sec. 28, T. 19N, R. 24E,
B.M., Lemhi County.
SOURCE: Agency Creek

The right holder re-
quested the transfer to
change the place of use to:

NO. 74-0404 - SE ¼-
SE ¼, Sec. 17; NE ¼, N ½-
SE ¼, Sec. 20; N ½NW ¼,
Sec. 21; T. 19N, R. 24E,
B.M.

NO. 74-0249 - SE ¼-
SE ¼, Sec. 17; NE ¼, N ½-
SE ¼, Sec. 20; T. 19N, R.
24E, B.M.

The right holder now
proposes to amend this
application for transfer
amending the place of use
as follows:

S ½ NE ¼, N ½ SE ¼,
Sec. 20; W ½NW ¼, Sec.
21; SW ¼SW ¼, Sec. 16;
T. 19N, R. 24E,

Any protest to the pro-
posed amending of Trans-
fer No. 74-0404/0249
must be filed with the
Idaho Department of
Water Resources, 150
Shoup Ave., Idaho Falls,
Idaho, 83401 on or before
June 1, 1981.

A. KENNETH DUNN
Director

Published in The 'Re-
corder-Herald 5/14 and 5/
21/81.

5-14-2tc

Affidavit of Publication

STATE OF IDAHO
County of Lemhi

ss.

MAY 26 1981

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 Notice of Proposed Amendment 74-0404/0249

a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated May 14, 1981
and ending with the issue dated May 21, 1981

Jerry G. Rosin

Subscribed and sworn to before me, this twenty first
day of May, 1981

Neil Armstrong

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

Publication Fee \$ 21.97

MICROFILMED

NOTICE OF PROPOSED
AMENDING OF
TRANSFER
NO. 74-0404/0249

Notice is hereby given that transfers were filed by James Stoddard as follows:

No. 74-0404 AMOUNT 10.3 cfs PRIORITY: June 1, 1914

DECREED POINT OF DIVERSION: SENE, Sec. 5, T. 18N, R. 24E, B.M., Lemhi County.

No. 74-0249 AMOUNT: 3.80 cfs PRIORITY: Nov. 27, 1919

DECREED POINT OF DIVERSION: NWNE, Sec. 28, T. 19N, R. 24E, B.M., Lemhi County.

The right holder requested the transfer to change the place of use to the S½NE¼, N½SE¼,

Sec. 20, N½NW¼, SE¼-NW¼, Sec. 21, T. 19N, R. 24E.

The right holder now proposes to amend this transfer amending the place of use as follows:

No. 74-0404 - SE¼-SE¼, Sec. 17, NE¼, N½-SE¼, Sec. 20, N½NW¼, Sec. 21, T. 19N, R. 24E.

No. 74-0249 - SE¼-SE¼, Sec. 17, NE¼, N½-SE¼, Sec. 20, T. 19N, R. 24E, B.M.

Any protest to the proposed amending of Transfer No. 74-0404/0249 must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83401, on or before April 27, 1981.

C. STEPHEN ALLRED
Director

Published in The Recorder-Herald, Salmon, Idaho, on April 9 and 16, 1981.

4-9-2tc

Affidavit of Publication

RECEIVED

APR 20 1981

Department of Water Resources
Eastern District Office

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 Amendment for Transfer of Rights

74-0404/0249 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 April 9, 1981 and ending with the issue dated April 16, 1981

Jerry G. Rosin

Subscribed and sworn to before me, this sixteenth day of April, 1981

Clare Armstrong

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

Publication Fee \$ 20.53

NOTICE OF PROPOSED
CHANGE OF WATER

RIGHT
NO. 74-0404/0249

Notice is hereby given that James Stoddard, Salmon, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of the Lemhi River and Agency Creek. The rights sought to be changed are evidenced by decree to James F. &/or Jean L. Stoddard in case of State of Idaho vs. Mary Adams, etc. dated November 1, 1971 in Seventh Judicial District, County of Lemhi and are recorded as follows:

74-0404 Source: Lemhi River

Amount: 10.30 cfs

Priority: June 1, 1914

DECREED POINT OF DIVERSION: SENE, Sec. 5, T. 18N, R. 24E, Lemhi County.

74-0249 Source: Agency Creek

Amount: 3.80 cfs

Priority: November 27, 1919

DECREED POINT OF DIVERSION: NWNE, Sec. 28, T. 19N, R. 24E, Lemhi County.

The water is used to irrigate 209.8 acres within the SWNE, W ½ SE ¼, SESE, Sec. 17; NE ¼, SENW, NESW, N ½ SE ¼, Sec. 20; T. 19N, R. 24E.

TO BE CHANGED AS
FOLLOWS

The water will be used to irrigate 209.8 acres within the S ½ NE ¼, N ½ SE ¼, Sec. 20; N ½ NW ¼, SENW, Sec. 21; T. 19N, R. 24E.

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., Idaho Falls, Idaho, 83401 on or before February 2, 1981.

C. STEPHEN ALLRED
Director

Published in The Recorder-Herald 1/15 & 1/22/1981.

1-15-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

JAN 23 1981

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 Notice of Proposed Change to Water Right 74-0404/0249

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 Jan. 15, 1981 and ending with the issue dated Jan. 22, 1981

Subscribed and sworn to before me, this twenty second day of January, 1981

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

Publication Fee \$ 24.48

DEMILFOURCH



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





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant James Stoddard Phone 756-2404Post office address Route #1, Box 120, Salmon, ID 83467

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Proposed finding of water right
- a. Decree to Stoddard, James F. &/or Jean L.
(Name)
in case of State of Idaho vs Adams, Mary, etc. defendants
dated Nov. 1, 1971 in 7th Judicial Dist. county of Lemhi
(Name of court) et al.
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Lemhi River tributary to Salmon River

74-04044. Date of priority 6/1/1914

5. Water is used for the following purposes:
amount 10.30 cfs for irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 10.30 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5
Township 18N Range 24E, B.M., in Lemhi County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
74-0404																			
19N	24E	17			23.2											17.7	26.2	22.6	69.7
		20	7	37.4	35.8	8.5				1.8	5.3				5.5	38.8			140.1

Total number of acres to be irrigated 209.8

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B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

RECORDED

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. 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	

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

1. Change in point of diversion NO CHANGE
- a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
- b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
- c. Description of diverting works Headgate, ditches, pumps & sprinkler system
- d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19N	24E	20			31.5	30.5									30.3	31.5			123.8
		21						6	40										46.0
		16											40						40.0

Total number of acres to be irrigated 209.8

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to Stoddard, James F. &/or Jean L.
(Name)
in case of State of Idaho vs Adams, Mary etc. defendant
dated November 1, 1971 in U.S. District Court et al.
7th Judicial Dist. county of Lemhi
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

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

3. Source of water Agency Creek tributary to Lemhi River

4. Date of priority 11/27/1919

5. Water is used for the following purposes:

74-0249 amount 3.80 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)

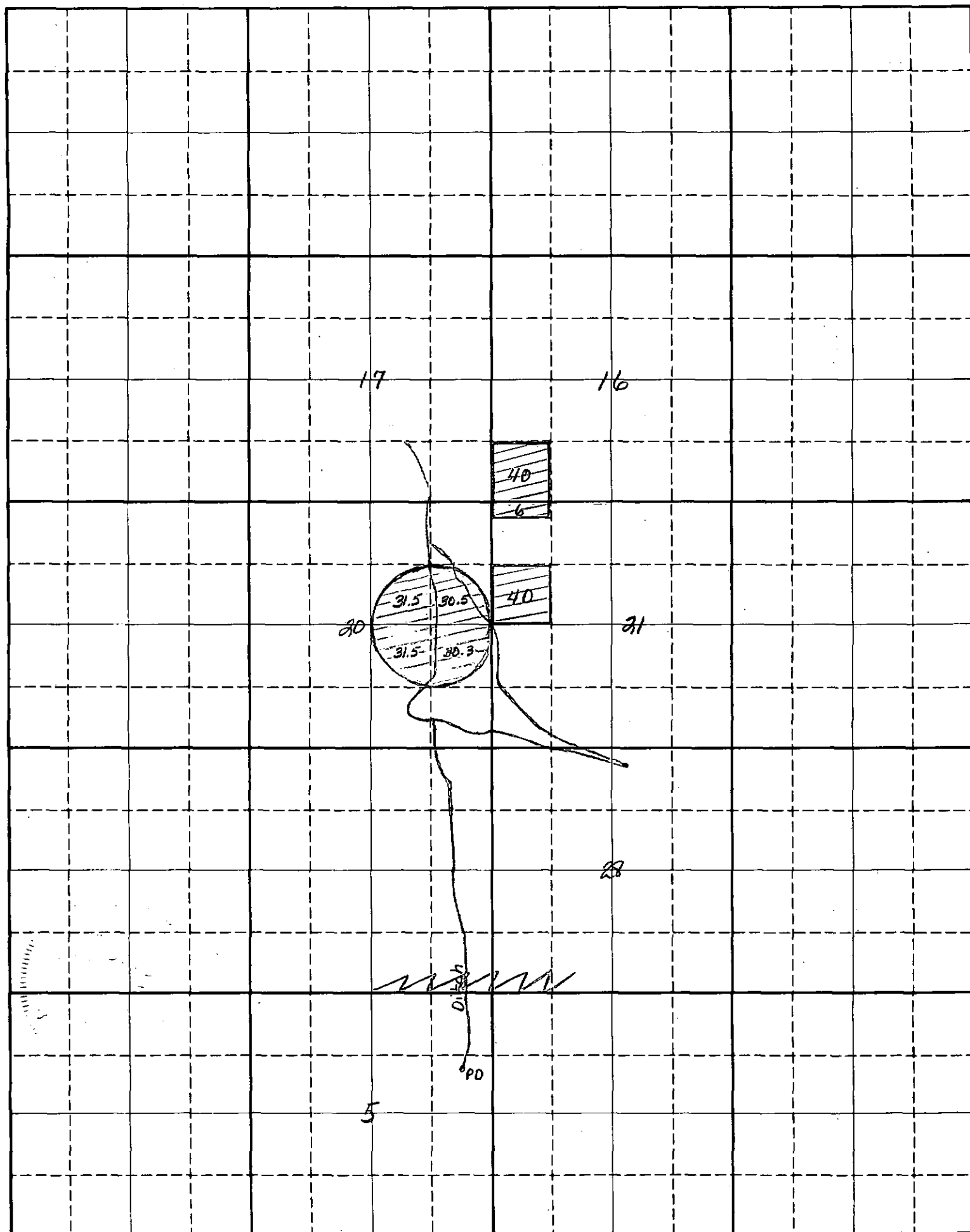
6. Total amount of water under right: a. 3.80 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28
Township 19N Range 24E, B.M., in Lemhi County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19	24E	17			23.2											17.7	26.2	2.6	69.7
		20	7	37.4	35.8	8.5				1.8	5.3				5.5	38.8			140.1

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



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

MICROFILMED

MICROFILMED

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

James O. Stoddard
(Signature of applicant)

Subscribed and sworn to before me this 22 day of April, 19 81.

Blaine Cook
(Notary public)

My commission expires 4/10/1983

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 74-0249 and 74-0404 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this transfer is subject to control by the watermaster of State Water District No. 74M, Agency Creek and to the control of the Lemhi River watermaster.
3. Right 74-0249 is supplemental to Right 74-0404 and may only be diverted when right 74-0404 cannot be diverted due to its relative priority when considered together with other rights diverted from the Lemhi River, and shall be limited to the use of one inch of water per acre.

Witness my hand this 20th day of June, 19 83.

J. Glen Saxton
Chief, Operations Bureau

J.S.

FOR DEPARTMENT USE ONLY

Received by KW Date 4/27/81 Protest filed by _____
Prelim. check by EMC Fee 4-29-81.20. amendment
Receipted by KW Date 5/10/81 #17022
Published in Recorder Herald Copies of protest forwarded by _____
Pub. dates 5/14 & 5/21/81 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial _____
_____ rec'd. _____ by EMC John

IN THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

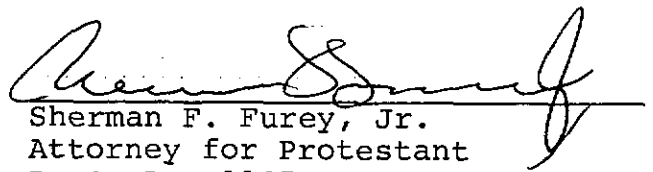
In the Matter of the Application)
to Change the Place of Use of)
JAMES STODDARD, Salmon, Idaho) P R O T E S T
No. 74-0404/0249)

M. J. CHAMBERLAIN, whose address is 701 Westchester Road, Topeka, Kansas 66606, by and through his undersigned attorney, Sherman F. Furey, Jr., hereby protests and excepts to the above-captioned application to change the place of use of the water right described therein, and for grounds of said protest and exceptions states:

1. The change in place of use requested in said application would have the direct and proximate effect of injuring protestant's irrigation and water rights, which injury would be actual, real, and substantial in that, among other things, said requested change would increase the burden on, and volume in, the stream furnishing the water for applicant's and protestant's diversions, all in violation of Sections 42-108 and 42-222, Idaho Code.

2. Said application, if granted, will cause, and result in, an enlargement in the use of the applicant's original right in violation of 42-222, Idaho Code.

WHEREFORE, The undersigned protests and excepts to said application and prays that said application be denied and held for naught.


Sherman F. Furey, Jr.
Attorney for Protestant
P. O. Box 1127
Salmon, Idaho 83467

RECEIVED

JAN 29 1981

Department of Water Resources
Eastern District Office

LAW OFFICE
SHERMAN F. FUREY, JR.
NEW THRASHER BUILDING P. O. BOX 1127
SALMON, IDAHO 83467

RECEIVED

Lloyd A. Clark
 P.O. Box 1451
 Salmon, Idaho 83467
 Jan. 26, 1981.

To:

E. Stephen Allred
 Director - Idaho Dept.
 of Water Resources

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JAN 28 1981

Department of Water Resources
 Eastern District Office

Dear Sir:

I, Lloyd A. Clark, successor to water right identified as # 74-2311 Agency Creek, Lemhi County do protest the Notice of Proposed Change of Water Right # 74-0404/0249 (James F. Stoddard) and specifically 74-0249 for both the change of the Point of Diversion and the Place of Use. Notice published The Recorder-Herald 1/15 and 1/22/81.

Point of Diversion:

Notice shows Deeded Point of Diversion for 74-0249 as being the NW⁴ NE⁴ of Sec. 28, T19N., R. 24E. Existing "Green Book" shows Point of Diversion for 74-0249 as being Lot 1, Sec. 28, T19N., R. 24E. I protest this change of the Point of Diversion for 74-0249 from what exists in the "Green Book" to what exhibits in the Notice of Proposed Change, Recorder-Herald 1/15 and 1/22/81. Any concession in regard to 74-0249 could affect my rights as a subsequent appropriator.

Place of Use:

In Decree dated Aug. 15, 1925, Recorded Judgment Book "C" p. 312 and 313, Lemhi County, Idaho, Judge Ralph W. Adair reasons: 190" of water from Agency Creek (now 74-0249), if applicable, was only considered for "Bar Lands" then owned by Fred and Joseph Patter.

In 1925 Patter's irrigation system consisted of ditches and flooding. The Decree 8/15/25 in

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relation to 74-0249 outlines specifics: This water was only supplemental to other Agency Creek water (100 inches) and the Lemhi River, Company Ditch water (515 inches). Further this 74-0249 and the other 100 inches and the other 515 inches was limited to one inch to the acre of the irrigated "Bar Land" then owned by the Patters.

In 1971 Stoddards' have evidenced with their Identity in the Green Book: 74-0404, 74-0247, 74-0248 and 74-0249 that they sought 805 inches of water to flood irrigate 274.3 acres of land which equals 3.19 inches to the acre. Now they propose 1/15/81 and 1/22/81 to change the place of use of 74/0404, 0247, 0248 and 0249 and retain the same priority dates.

Stoddards' have converted to sprinkler irrigation. The intent of the language of the 1925 Decree relating 190 inches of Agency Creek water now (74-0249) to land, other water and irrigation methods of that time surely would not apply to irrigation of land via utilization of water by pressure sprinkler systems developed during the 60's and 70's.

The proposed change of place of use for 74/0404/0249 shows the same number of acres as before in Green Book (209.8 acres). The description of lands in the change equals 120 acres in Sec. 21, 240 acres in Sec. 20 and 40 acres in Sec. 17 for 400 acres of sprinkler irrigated land. The water then equals 2.01 inches to the acre.

74-7092, 7093 and 7094 if approved, as applied for, would increase inches per acre on this same land and I am aware of Stoddards' intent to gain 86.15 acres on Desert Entry from the B.L.M. (E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 21, T19N, R24E.) and use on this land Agency Creek water (74-0249).

Stoddards claim of additional water filed 12/15/80 further identifies area of sprinkler irrigation: an overlay in Sec. 21 and 17 and

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~~the~~ additional land in Sec. 16, 17 and 21. Also shown in the notice: 40 acres in Sec. 16 belonging ^{to} The State of Idaho, the E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 17 that was patented 10/19/54 in name of Fred B. Patten and shown Book 45 p. 26 Lemhi County records and the Desert Entry land already mentioned. These were all lands (State land, 1954 Patten land and B.F.M. land) not owned by the Patten's in 1925. I submit in support of my objections that use of any of the 190" (74-0249) out of Agency Creek is counter to the 1925 Decree.

If the Lemhi River and Agency Creek waters become mixed in a pipe pressure sprinkler system then there is no way to determine to what land each water right is applied to. Any concession in regard to 74-0249, priority date 11/27/19, could affect my rights as a subsequent appropriator. My right being 74-2311 priority date 4/27/53. I oppose the inclusion of 74-0249 in final findings.

Prior Objection:

Case # 4948 specific objection to 74-0249 now awaits ruling from Magistrate Judge Milton A. Slavin, Lemhi County, Idaho and presentation to District Judge Boyd R. Thomas for adoption. Until a conclusion has been reached I continue the objection dated 11/3/75.

Sincerely,

Floyd A. Clark

PROTEST OF PROPOSED CHANGE OF WATER RIGHT

TO: Director of the Idaho Department
of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

and

James Stoddard
Route #1, Box 120
Salmon, Idaho 83467

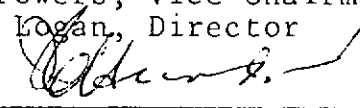
RE: Proposed Change of Water Right
No. 74-0404/0249
No. 74-0247/0248

Comes now the Lemhi Irrigation District and protests the above described applications for Proposed Change of Water Right on the following grounds:

1. That the Department of Water Resources has no jurisdiction to adjudicate the proposed change of water rights in place of use, because the matter is subject to, and involved in that certain action in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Lemhi, Civil Case No. 4948, commonly known as the Lemhi River Adjudication.
2. That the change of the point of use as proposed adversely affects the adjacent rights of the members of the Lemhi Irrigation District.
3. That the proposed changes adversely affect downstream water users.

Dated this 30th day of January, 1981.

LEMHI IRRIGATION DISTRICT
Kent Smith, Chairman
Jack Powers, Vice-Chairman
Ralph Logan, Director

By: 
JAMES C. HERNDON
Scting Secretary

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FEB 2 1981

Department of Water Resources
Eastern District Office

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED

To Change the Point of Diversion and/or the Place of Use

Name of applicant James Stoddard Phone 756-2404

Post office address Route #1, Box 120, Salmon, ID 83467

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Proposed finding of water right
a. Decree to Stoddard, James F. &/or Jean L.
(Name)
in case of State of Idaho vs Adams, Mary, etc. defendants
dated Nov. 1, 1971 in 7th Judicial Dist. county of Lemhi
(Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
3. Source of water Lemhi River tributary to Salmon River
4. Date of priority 6/1/1914
5. Water is used for the following purposes:
amount 10.30 cfs for irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 10.30 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5
Township 18N Range 24E, B.M., in Lemhi County
Additional points of diversion, if any _____
8. Lands irrigated or place of use: _____

[illegible]

Total number of acres to be irrigated 209.8

9. Describe any other water rights used for the same purposes as described above

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

RECEIVED

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. 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	

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

1. Change in point of diversion NO CHANGE

10.30 cfs 74-0404
3.41 cfs 74-0249

- a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
c. Description of diverting works _____
d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
74-0404																			
19N	24E	17															6		6
		20	24.5		30.5									31.5					
		21	34		31.5									30.3					182.3
							6												21.5
74-0249																			
19N	24E	17															6		6
		20	24.5		30.5									31.5					
		21	34		31.5									30.3					182.3

Total number of acres to be irrigated 209.8

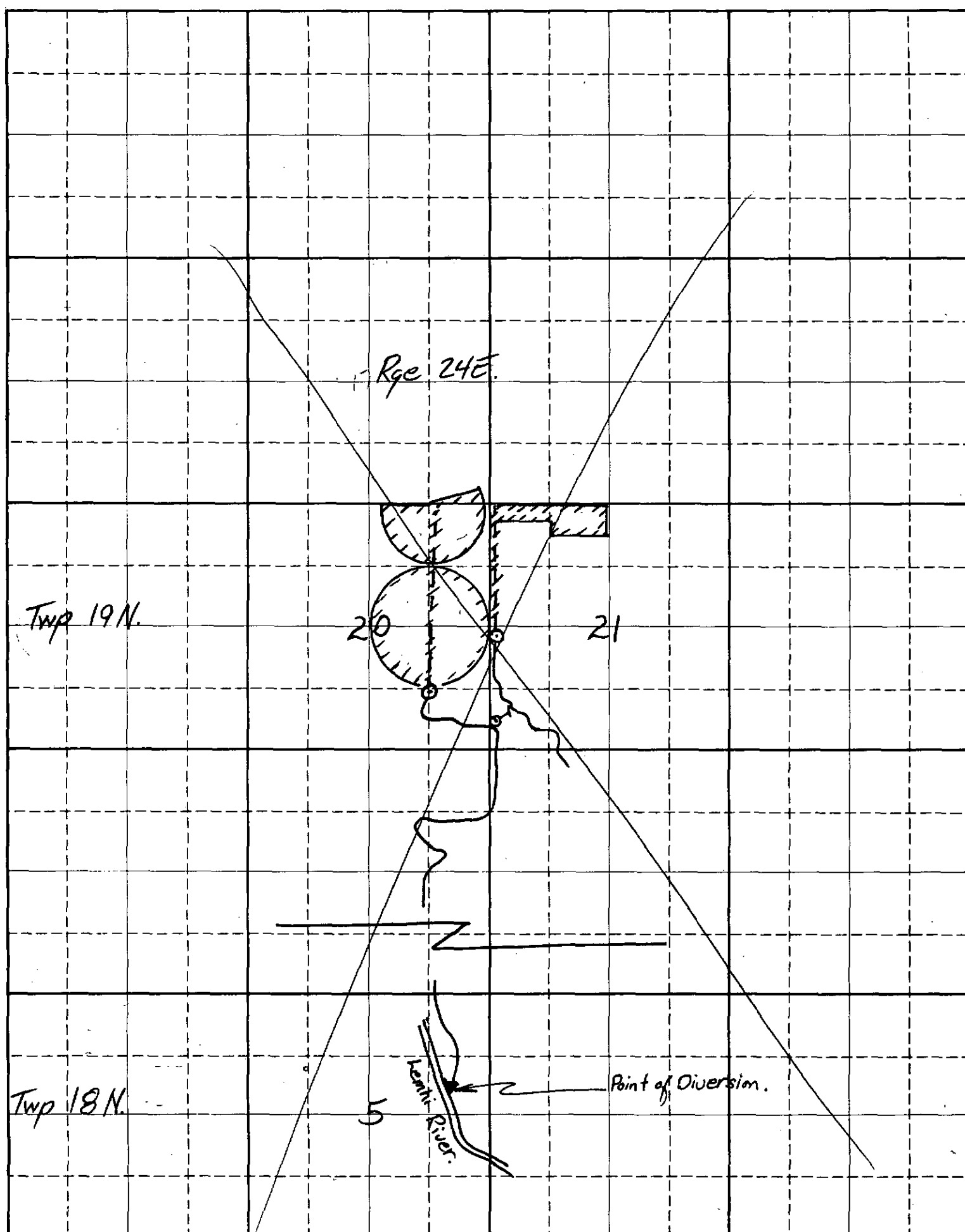
A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Stoddard, James F. &/or Jean L. (Name)
in case of State of Idaho vs Adams, Mary etc. defendant et al.
U.S. District Court
dated November 1, 1971 in Seventh Judicial Dist. county of Lemhi
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
3. Source of water Agency Creek tributary to Lemhi River
4. Date of priority 11/27/1919
5. Water is used for the following purposes:
74-0249 amount 3.80 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. 3.80 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28
Township 19N Range 24E, B.M., in Lemhi County
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19N	24E	17			23.2											17.7	26.2	2.6	69.7
		20	7	37.4	35.8	8.5				1.8	5.3				5.5	38.8			140.1

Total number of acres to be irrigated 209.8

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



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

WATER

RECORDED

4. Remarks Applicant has agreed to reduce 74-0249 by 0.39 cfs and 21.5 acres, limiting the right to 188.3 acres as described in Section C2a.

I hereby assert that no one will be injured by such change and 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.

James H. Steadman
(Signature of applicant)

Subscribed and sworn to before me this 18th day of March, 1981

John J. McKinney
(Notary public)
Salmon, Idaho

My commission expires lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 ____.

FOR DEPARTMENT USE ONLY

Received by CW Date 3/26/81
Prelim. check by _____ Fee 20. amend fee
Receipted by KW Date 4/1/81 #17149
Published in Recorder-Neald
Pub. dates 4/9 & 4/16/81
Watermaster recommendation requested on _____
_____ rec'd. _____

Protest filed by Lemhi Irrigation Dist.,
Sherman-Furey-for-M.-J.-Chamberlain-&-
Lloyd-A.-Clark- PROTESTS WITHDRAWN
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for _____ approval _____ denial _____
by _____

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

Name of applicant JAMES STODDARD Phone 756-2404
Post office address Route #1, Box 120, Salmon, ID 83467

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Proposed finding of water right.
a. Decree to Stoddard, James F. &/or Jean L.
(Name)
in case of State of Idaho vs Adams, Mary, etc. defendants et al.
U.S. District Court
dated Nov. 1, 1971 in Seventh Judicial Dist. county of Lemhi
(Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Lemhi River tributary to Salmon River
4. Date of priority 6/1/1914
5. Water is used for the following purposes:
amount 10.30 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. 10.30 cubic feet per second
&/or
b. _____ acre feet per annum
(74-0404)
7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5
Township 18N Range 24E, B.M., in Lemhi County
Additional points of diversion, if any _____
8. Lands irrigated or place of use: _____

74-0404

[illegible]

Total number of acres to be irrigated 209.8

WICKOFFLEET

MICROFILMED

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. 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	

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

1. Change in point of diversion NO CHANGE

a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet

b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

c. Description of diverting works Headgate, ditches, pumps & sprinkler system.

d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19N	24E	20			31.5	30.5									30.3	31.5			123.8
		21					40	6	40										86.0

Total number of acres to be irrigated 209.8

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to Stoddard, James F. &/or Jean L. (Name)
in case of State of Idaho vs Adams, Mary etc. defendant et al.
U.S. District Court
dated November 1, 1971 in Seventh Judicial Dist. county of Lemhi
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

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

3. Source of water Agency Creek tributary to Lemhi River

4. Date of priority 11/27/1919

5. Water is used for the following purposes:
74-0249 amount 3.80 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)

6. Total amount of water under right: a. 3.80 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28
Township 19N Range 24E, B.M., in Lemhi County
Additional points of diversion, if any _____

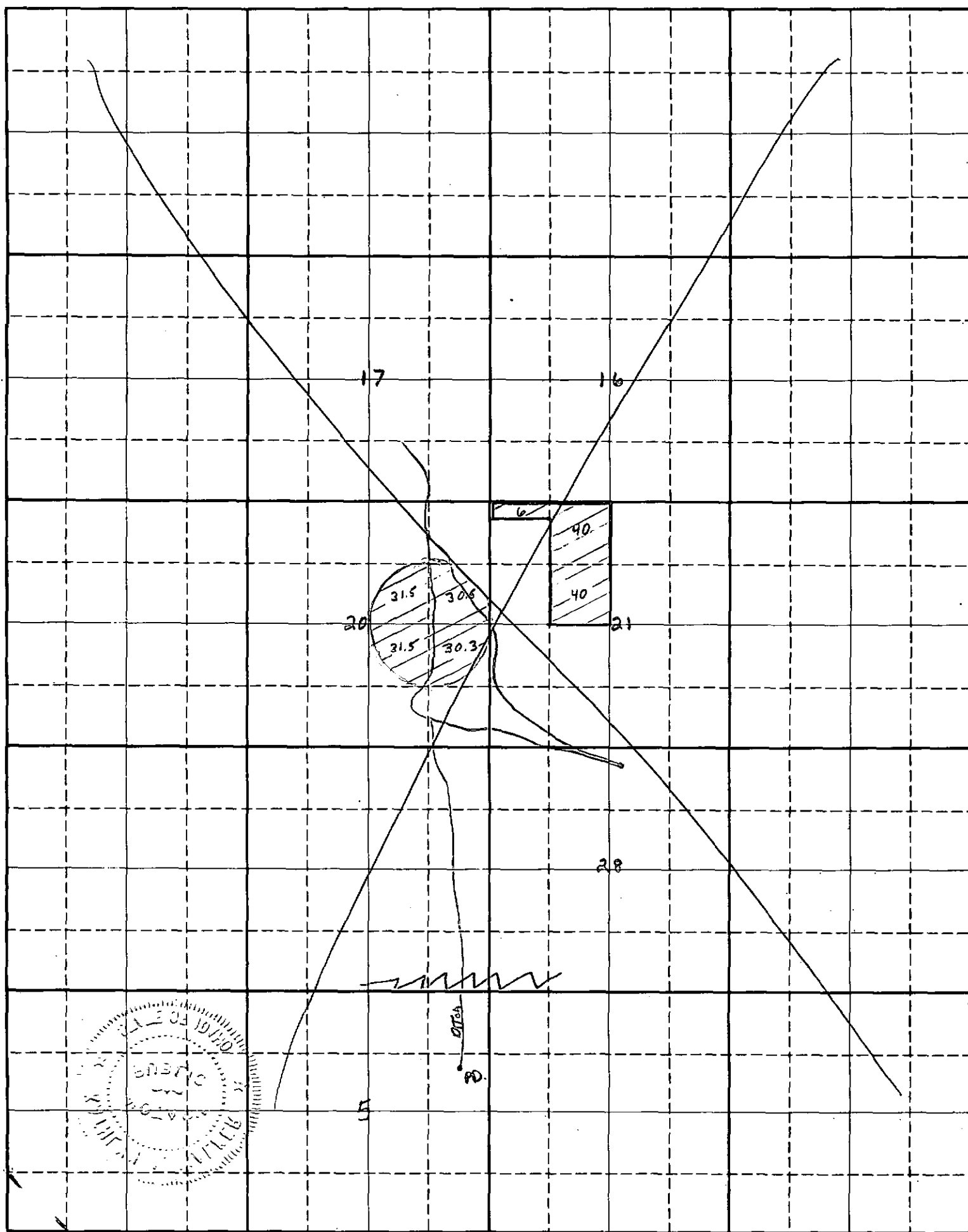
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19N	24E	17			23.2											17.7	26.2	2.6	69.7
		20	7	37.4	35.8	8.5				1.8	5.3				5.5	38.8			140.1

Total number of acres to be irrigated 209.8

MICROFILMED

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



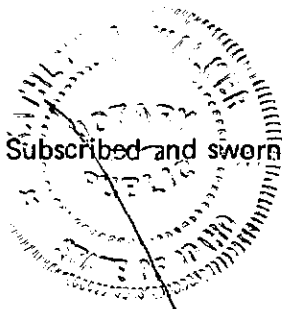
SCALE: 2 inches equal 1 mile. Draw plan in ink.

RECEIVED
JUL 10 1960
NATIONAL BUREAU OF
SURVEYING

MICROFILMED

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.



Subscribed and sworn to before me this 15 day of December, 1980.

James Stoddard
(Signature of applicant)
Kathryn A. Walker
(Notary public)

My commission expires 2/15/1983

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 ____.

FOR DEPARTMENT USE ONLY

Received by <u>EMC</u>	Date <u>12-15-1980</u>	Protest filed by <u>Lloyd A. Clark</u>
Prelim. check by _____	Fee <u>50.</u>	<u>m. j. Chamberlain</u>
Received by <u>fw</u>	Date <u>12/15/80 #16124</u>	
Published in <u>Recorder - Nevada</u>		Copies of protest forwarded by _____
Pub. dates <u>1/15 & 1/22/81</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on _____		Recommended for _____ approval _____ denial _____
_____ rec'd. _____		by _____

NOTICE OF PROPOSED
AMENDING OF
APPLICATION FOR
TRANSFER
NO. 74-0404/0249

Notice is hereby given
that amended transfers
were filed by James Stod-
dard as follows:

NO. 74-0404 AMOUNT:
10.3 cfs PRIORITY: June
1, 1914

DECREED POINT OF
DIVERSION: SENE, Sec.
5, T. 18N, R. 24E, B.M.,
Lemhi County. SOURCE:
Lemhi River

NO. 74-0249 AMOUNT:
3.80 cfs PRIORITY: Nov.
27, 1919

DECREED POINT OF
DIVERSION: NWNE,
Sec. 28, T. 19N, R. 24E,
B.M., Lemhi County.
SOURCE: Agency Creek

The right holder re-
quested the transfer to
change the place of use to:

NO. 74-0404 - SE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 17; NE $\frac{1}{4}$, N $\frac{1}{2}$ -
SE $\frac{1}{4}$, Sec. 20; N $\frac{1}{2}$ NW $\frac{1}{4}$,
Sec. 21; T. 19N, R. 24E,
B.M.

NO. 74-0249 - SE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 17; NE $\frac{1}{4}$, N $\frac{1}{2}$ -
SE $\frac{1}{4}$, Sec. 20; T. 19N, R.
24E, B.M.

The right holder now
proposes to amend this
application for transfer
amending the place of use
as follows:

S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 20; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec.
21; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16;
T. 19N, R. 24E,

Any protest to the pro-
posed amending of Trans-
fer No. 74-0404/0249
must be filed with the
Idaho Department of
Water Resources, 150
Shoup Ave., Idaho Falls,
Idaho, 83401 on or before
June 1, 1981.

A. KENNETH DUNN
Director

Published in The 'Re-
corder-Herald 5/14 and 5/
21/81.

5-14-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

MAY 26 1981

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 Notice of Proposed Amendment 74-0404/0249

..... a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated May 14, 19 81
and ending with the issue dated May 21, 19 81

Subscribed and sworn to before me, this twenty first
day of May, 19 81

Notary Public

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

Publication Fee \$ 21.97

RECEIVED

NOTICE OF PROPOSED
AMENDING OF
TRANSFER
NO. 74-0404/0249

Notice is hereby given
that transfers were filed
by James Stoddard as
follows:

No. 74-0404 AMOUNT
10.3 cfs PRIORITY: June
1, 1914

DECREED POINT OF
DIVERSION: SENE, Sec.
5, T. 18N, R. 24E, B.M.,
Lemhi County.

No. 74-0249 AMOUNT:
3.80 cfs PRIORITY: Nov.
27, 1919

DECREED POINT OF
DIVERSION: NWNE,
Sec. 28, T. 19N, R. 24E,
B.M., Lemhi County.

The right holder re-
quested the transfer to
change the place of use to
the S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 20, N $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ -
NW $\frac{1}{4}$, Sec. 21, T. 19N, R.
24E.

The right holder now
proposes to amend this
transfer amending the
place of use as follows:

No. 74-0404 - SE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 17, NE $\frac{1}{4}$, N $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 20, N $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 21, T. 19N, R. 24E.

No. 74-0249 - SE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 17, NE $\frac{1}{4}$, N $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 20, T. 19N, R.
24E B.M.

Any protest to the pro-
posed amending of Trans-
fer No. 74-0404/0249
must be filed with the Ida-
ho Department of Water
Resources, 150 Shoup,
Idaho Falls, Idaho, 83401,
on or before April 27,
1981.

C. STEPHEN ALLRED
Director

Published in The Re-
corder-Herald, Salmon,
Idaho, on April 9 and 16,
1981.

4-9-2tc

Affidavit of Publication

RECEIVED

APR 20 1981

Department of Water Resources
Eastern District Office

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 Amendment for Transfer of Rights

74-0404/0249

a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated April 9, 1981
and ending with the issue dated April 16, 1981

Jerry G. Rosin

Subscribed and sworn to before me, this sixteenth

day of April, 1981

Carl Armstrong

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

Publication Fee \$ 20.53

NOTICE OF PROPOSED
AMENDING OF
TRANSFER
NO. 74-0404/0249

Notice is hereby given
that transfers were filed
by James Stoddard as
follows:

No. 74-0404 AMOUNT
10.3 cfs PRIORITY: June
1, 1914

DECREED POINT OF
DIVERSION: SENE, Sec.
5, T. 18N, R. 24E, B.M.,
Lemhi County.

No. 74-0249 AMOUNT:
3.80 cfs PRIORITY: Nov.
27, 1919

DECREED POINT OF
DIVERSION: NWNE,
Sec. 28, T. 19N, R. 24E,
B.M., Lemhi County.

The right holder re-
quested the transfer to
change the place of use to
the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ -
NW $\frac{1}{4}$, Sec. 21, T. 19N, R.
24E.

The right holder now
proposes to amend this
transfer amending the
place of use as follows:

No. 74-0404 - SE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 17, NE $\frac{1}{4}$, N $\frac{1}{2}$ -
SE $\frac{1}{4}$, Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$,
Sec. 21, T. 19N, R. 24E.

No. 74-0249 - SE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 17, NE $\frac{1}{4}$, N $\frac{1}{2}$ -
SE $\frac{1}{4}$, Sec. 20, T. 19N, R.
24E, B.M.

Any protest to the pro-
posed amending of Trans-
fer No. 74-0404/0249
must be filed with the Ida-
ho Department of Water
Resources, 150 Shoup,
Idaho Falls, Idaho, 83401,
on or before April 27,
1981.

C. STEPHEN ALLRED
Director

Published in The Re-
corder-Herald, Salmon,
Idaho, on April 9 and 16,
1981.

4-9-2tc

RECEIVED

APR 8 1981

Department of Water Resources
Eastern District Office

MICROFILMED

NOTICE OF PROPOSED
CHANGE OF WATER

RIGHT
NO. 74-0404/0249

Notice is hereby given that James Stoddard, Salmon, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of the Lemhi River and Agency Creek. The rights sought to be changed are evidenced by decree to James F. &/or Jean L. Stoddard in case of State of Idaho vs. Mary Adams, etc. dated November 1, 1971 in Seventh Judicial District, County of Lemhi and are recorded as follows:

74-0404 Source: Lemhi River.

Amount: 10.30 cfs

Priority: June 1, 1914

DECREED POINT OF DIVERSION: SENE, Sec. 5, T. 18N, R. 24E, Lemhi County.

74-0249 Source: Agency Creek

Amount: 3.80 cfs

Priority: November 27, 1919

DECREED POINT OF DIVERSION: NWNE, Sec. 28, T. 19N, R. 24E, Lemhi County.

The water is used to irrigate 209.8 acres within the SWNE, W 1/4 SE 1/4, SESE, Sec. 17; NE 1/4, SENW, NESW, N 1/4 SE 1/4, Sec. 20; T. 19N, R. 24E.

TO BE CHANGED AS
FOLLOWS

The water will be used to irrigate 209.8 acres within the S 1/4 NE 1/4, N 1/4 SE 1/4, Sec. 20; N 1/4 NW 1/4, SENW, Sec. 21; T. 19N, R. 24E.

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., Idaho Falls, Idaho, 83401 on or before February 2, 1981.

C. STEPHEN ALLRED
Director

Published in The Recorder-Herald 1/15 & 1/22/1981.

1-15-2tc

Affidavit of Publication

RECEIVED

STATE OF IDAHO

County of Lemhi

ss.

JAN 23 1981

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 Notice of Proposed Change to Water Right 74-0404/0249

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 Jan. 15, 1981 and ending with the issue dated Jan. 22, 1981

Jerry G. Rosin

Subscribed and sworn to before me, this twenty second

day of January, 1981

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

Publication Fee \$ 24.48

MICROFILMED

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

SOURCE: Agency Creek and Tributaries

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED		BASIS OF RIGHT and REMARKS
				From	To					
74-1044	ADAMS, Ralston W. and/or Rachel Box 52 Tendoy, Idaho	3 -30-1917	Irrigation	4/1	11/1	0.37	Sec. 19 Lot 2 SE $\frac{1}{4}$ NW $\frac{1}{4}$ T19N, R25E	Sec. 19 SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.7 Lot 2, 3.6 Lot 3, 4.1 T19N, R25E		Beneficial Use
									18.4	
74-0249	STODDARD, James F. and/or Jean L. Route 1, Box 120. Salmon, Idaho	11-27-1919	Irrigation	4/1	11/1	3.80	Lot 1, S.28 T19N, R24E	Sec. 17 SW $\frac{1}{4}$ NE $\frac{1}{4}$, 23.2 NW $\frac{1}{4}$ SE $\frac{1}{4}$, 17.7 SW $\frac{1}{4}$ SE $\frac{1}{4}$, 26.2 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.6 Sec. 20 NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 NW $\frac{1}{4}$ NE $\frac{1}{4}$, 37.4 SW $\frac{1}{4}$ NE $\frac{1}{4}$, 35.8 SE $\frac{1}{4}$ NE $\frac{1}{4}$, 8.5 SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.8 NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.3 NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.5 NW $\frac{1}{4}$ SE $\frac{1}{4}$, 38.8 T19N, R24E		Decree
									209.8	
74-1670	MECHLING, Margaret Box 25 Tendoy, Idaho	4 -1 -1921	Irrigation	4/1	11/1	0.02	NE $\frac{1}{4}$ SW $\frac{1}{4}$, S.20 T19N, R24E	Sec. 20 NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.5 T19N, R24E		Beneficial Use
									0.5	
74-1785	MAHAFFEY LIVESTOCK, INC. c/o Stephen Mahaffey Tendoy, Idaho	7 -17-1924	Irrigation	4/1	11/1	0.25	Sec. 6 NE $\frac{1}{4}$ NW $\frac{1}{4}$ (2 div.) NW $\frac{1}{4}$ NW $\frac{1}{4}$ T18N, R25E Sec. 31 SW $\frac{1}{4}$ SW $\frac{1}{4}$ T19N, R25E	Sec. 6 NE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.8 NW $\frac{1}{4}$ NW $\frac{1}{4}$, 0.5 T18N, R25E Sec. 31 SW $\frac{1}{4}$ SW $\frac{1}{4}$, 5.5 SE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.4 T19N, R25E		Beneficial Use (Cow Creek)
									12.2	

MICROFILMED

Identification No. _____

Transfer No. 2005

Withdrawn
12-15-80

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

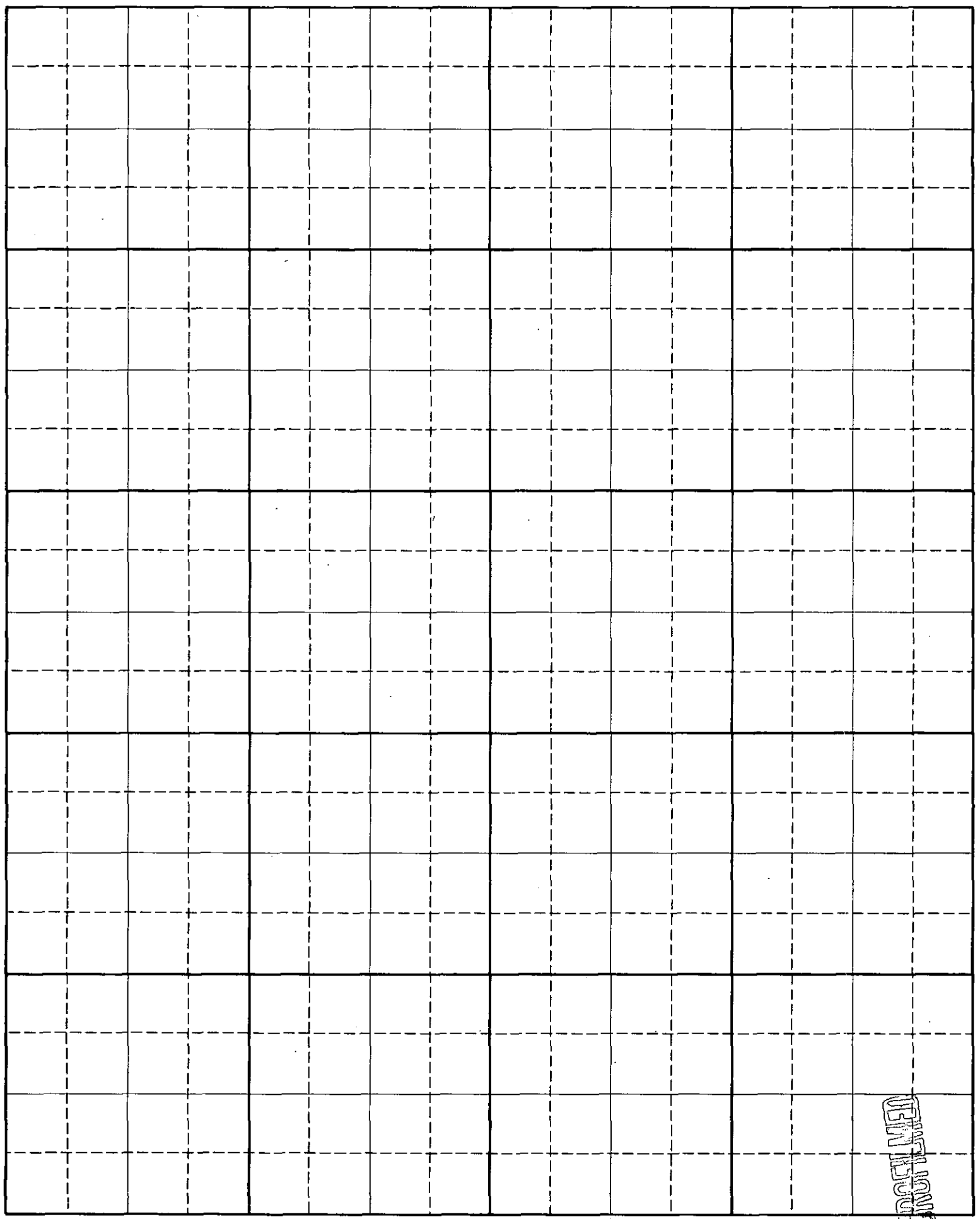
1. Name of Right Holder James F. & Jean L. Stoddard
Post office address Rt. 1, Box 120, Salmon, Idaho 83467
2. Right obtained by:
 - a. Decree to Joseph L. & Fred B. Pattie in Case of Margaret Mahaffey et al
(Name)
vs. Fred B. Pattie et al Dated Aug 15, 1925 in 6th Judicial District
(Name of Court)
Court. County of Lemhi
 - b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Agency Creek tributary to Lemhi River
(Name of stream or source)
4. Date of Priority Nov. 27, 1919
5. Amount of water a. 3.8 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from April 1 to Nov. 1
Lot # 2 (Month, Day) (Month, Day)
7. Original location of point of diversion is NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28,
Township 19N, Range 24E, B.M., in Lemhi County;
Additional points of diversion, if any Original location of point of diversion not listed in decree
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	
Present Place of Use																			
19N	24E	20				23.33									32.6	18	30	3	74 ~~79.7~~
19N	24E	20	15	38	36	38				2	10				40	40			219
Decreed Place of Use																			
19N	24E	17			X					X	X			X		X	X		
19N	24E	17				23.2										17.7	26.2	2.6	
		20	7.0	37.4	35.8	8.5				1.8	5.3				5.5	38.8			
																			209.8 Ac

Total number of acres presently irrigated 293

MICROFILMED

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



UNITED STATES
GEOLOGICAL SURVEY

9. If applicant was not the original holder of this right explain how it was acquired: Land purchased from owner of decreed right, Fred B. Gattlee.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 3.8 c.f.s. and/or _____ acre feet
- b. New point of diversion: NW 1/4 NE 1/4, Section 28, Township 19N
Range 24E, B.M. NW 1/4 NE 1/4 Sec. 25 Twp 19N Rge 24E
- c. Description of method of diversion and conveyance from new points of diversion: Open ditch from point in Sec. 28, and pipeline from point in Sec. 25.
- d. Is water to be conveyed to the lands previously irrigated? Yes ☒ 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:
To have gravity flow sprinkler system
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? no, it will be used to irrigate land that remains under surface irrigation
- 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	
19N	24E	17			8										40	35	27	40	150
19N	24E	20	40	37	36	40									38	39			230
19N	24E	21						40	40										80
								→	→										
								→	→										
								→	→										
								→	→										
								→	→										
								→	→										
								→	→										
								→	→										

Total number of acres to be irrigated 460

MICROFILMED

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

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

no

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this

right: I plan to transfer Lemhi River water to this land also.

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.

(signature of applicant)

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

(notary public)

My commission expires _____.

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

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

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19____.

State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by _____ Date _____

Protest filed by: _____ Date _____

Prelim. check by _____ Date _____

Fee received by _____ Date _____ Fee \$ _____

Approved for publication by _____

Published in _____ Dates _____

Hearing held _____

Watermaster Recommendation sent _____

3000

Identification No. 74-0249(Part)

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

1. Name of Right Holder James F. & Jean L. Stoddard
Post office address Pl. 1, Box 120, Salmon, Idaho 83467

2. Right obtained by:

a. Decree to Joseph L. & Fred B. Pattee in Case of Margaret Mahaffey
(Name)
vs. Fred B. Pattee, Dated Aug. 15, 1925 in 6th Judicial District
(Name of Court)
Court, County of Lemhi

b. License No. D. A. issued by the State of Idaho, Department of Reclamation.

3. Source of water Agency Creek tributary to Lemhi River
(Name of stream or source)

4. Date of Priority 11-27-19

5. Amount of water a. 1.90 3.80 c.f.s. and/or
b. _____ acre feet/annum

6. Water is used for Irrigation from 1 April to 1 Nov.
(Month, Day) (Month, Day)

7. Original location of point of diversion is NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28,
Township 19 N, Range 24 E., B.M., in Lemhi County;

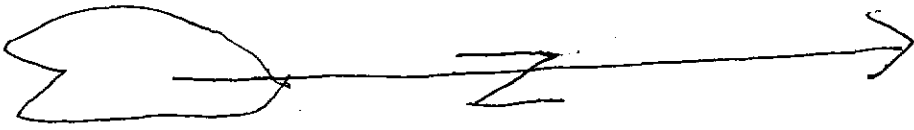
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

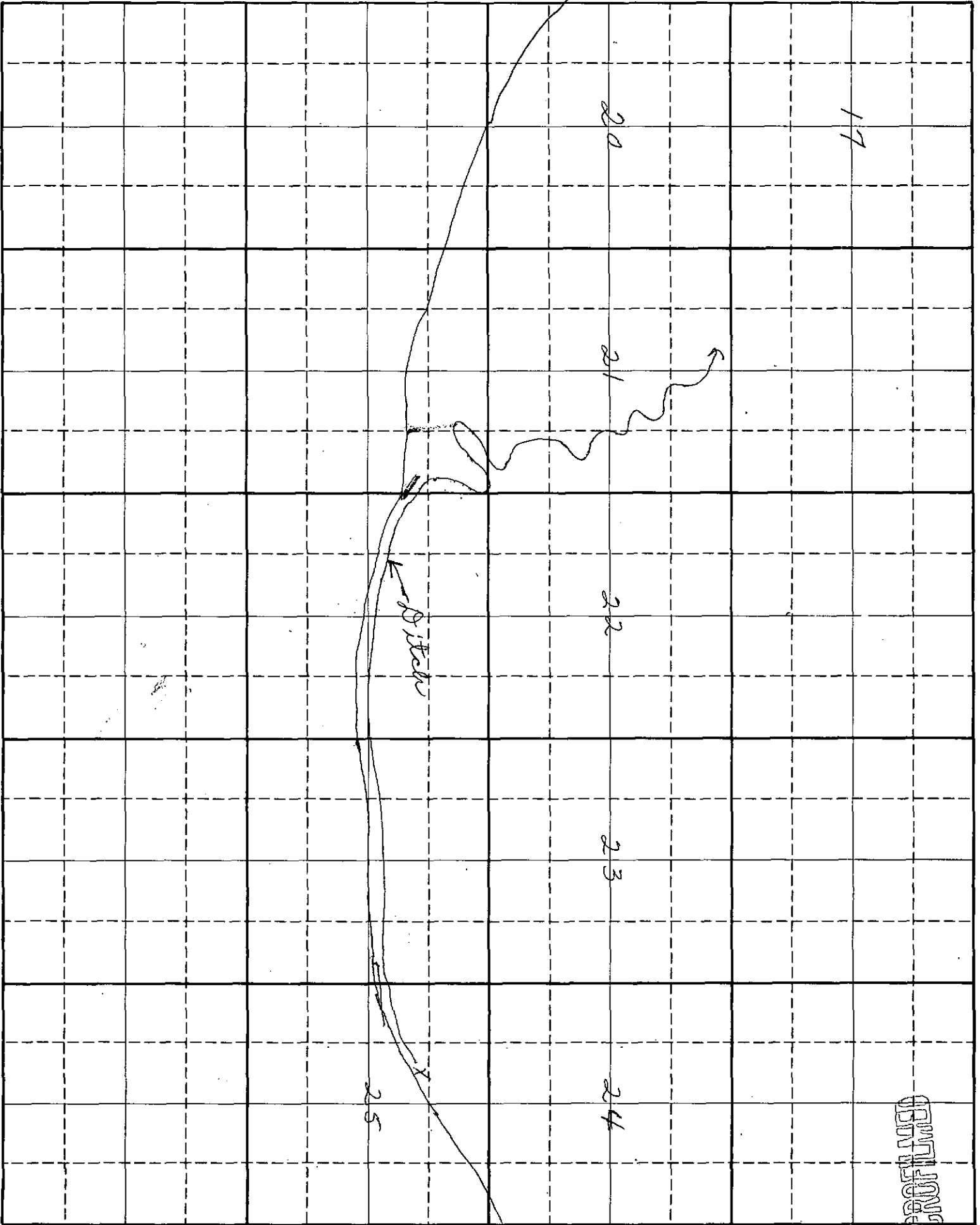
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>19 N</u>	<u>24 E</u>	<u>20</u>	<u>13.2</u>			<u>33.9</u>									<u>32.6</u>				<u>79.7</u> ✓

Total number of acres presently irrigated 79.7 ✓

MICROFILMED



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



UNCLASSIFIED

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

Another
10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1.90 c.f.s. and/or acre feet
- b. New point of diversion: NW 1/4 NE 1/4, Section 28, Township 19 N
 , Range 24 E, B.M. & NW 1/4 NE 1/4 - Sec. 25, T19 N, R24 E
- c. Description of method of diversion and conveyance from new points of diversion: By pipeline
from new pt. of div. (≈ 3 1/2 mi. pipe).
- d. Is water to be conveyed to the lands previously irrigated? Yes ☒ 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:
To have gravity flow sprinkler
system.
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? no
- 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	
~~19 N~~																			
19 N	24 E	16																	40 ✓
		17			8										40	35	27	40	150 ✓
		20	40	37	36	40									38	39			230 ✓
		21					40	40	40	40	40								200 ✓

620
Total number of acres to be irrigated

MICROFILMED

- b. Do you intend to make the transfer permanent? yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

no

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: I plan to transfer Lemhi R. water to this land also.

- 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 B. Stoddard
(signature of applicant)

Subscribed and sworn to before me this 21st day of September, 1973

Blair Cook
(notary public)

My commission expires 4/10/1975

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

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

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19____.

State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by ymb Date 9-25-73

Prelim. check by ymb Date 26 Sept. 73

Fee received by ymb Date 9/25/73 Fee \$ 30.00

Approved for publication by _____

Published in Lander Herald Dates October 11 + 18, 1973

Hearing held _____

Watermaster Recommendation sent WD 74-M. Ivan Jones - ymb 10/3/73

Protest filed by: _____ Date _____

Application
Withdrawn
12-16-1980



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

June 22, 1983

Re: Transfer of Water Right No. 74-0404 and 74-0249

James Stoddard
Route #1 Box 120
Salmon, ID. 83467

Dear Mr. Stoddard

Enclosed is a copy of your approved application for Transfer of the above referenced water right (Transfer No. 2510). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:jvv
Enclosure

MICROFILMED

Filed in District Court Lemhi County
Date March 12 1981
at 11 minutes past 2 o'clock P. M.
Boyd R. Thomas Clerk
By _____ Deputy

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

IN THE MATTER OF THE GENERAL)	
DETERMINATION OF THE RIGHT TO)	CIVIL NO. 4948
THE USE OF THE SURFACE WATERS)	
AND TRIBUTARIES FROM WHATEVER)	RULE 54(b) JUDGMENT -
SOURCE OF THE LEMHI RIVER)	REGARDING ONLY CLAIM
DRAINAGE BASIN.)	NO. 74-0249
_____)	

IT IS HEREBY ORDERED, ADJUDGED, and DECREED pursuant to
the Findings of Fact and Conclusions of Law entered January 19,
1980 that claim no. 74-0249 in the name of James F. Stoddard be
decreed as follows:

NAME AND ADDRESS: STODDARD, James F. and/or Jean L.
Route 1, Box 120
Salmon, Idaho

PRIORITY: 11-27-1919

PURPOSE: Irrigation

PERIOD OF USE: from 4/1 to 11/1

MAXIMUM RATE OF DIVERSION: 3.80 cfs

POINT OF DIVERSION: Lot 1, S. 28, T19N, R24E

PLACE OF USE and LANDS IRRIGATED: Sec. 17

SW $\frac{1}{4}$ NE $\frac{1}{4}$, 23.2

NW $\frac{1}{4}$ SE $\frac{1}{4}$, 17.7

SW $\frac{1}{4}$ SE $\frac{1}{4}$, 26.2

SE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.6

Sec. 20

NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0

NW $\frac{1}{4}$ NE $\frac{1}{4}$, 37.4

SW $\frac{1}{4}$ NE $\frac{1}{4}$, 35.8

SE $\frac{1}{4}$ NE $\frac{1}{4}$, 8.5

SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.8

NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.3

NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.5

NW $\frac{1}{4}$ SE $\frac{1}{4}$, 38.8

T19N, R24E

209.8

BASIS OF RIGHT: Decree

REMARKS: This right is only supplemental to right 74-0404
for the same land and may only be used when the water
available from the Lemhi River using right 74-0404 cannot
be filled due to its relative priority when considered
together with other rights diverted from the Lemhi River,
provided further that said right shall be limited to the
use of one inch of water per acre.

DATED this 12th day of March, 1981.

Boyd R. Thomas
BOYD THOMAS
District Judge

MICROFILMED

RULE 54(b) CERTIFICATE

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

DATED this 12th day of March, 1981.

Boyd R. Thomas
DISTRICT JUDGE

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE 3-22-83

FROM Jim

TO Kay

SUBJECT

Please use the following conditions:

OIE, 05(74M Agency Cr.)

Right 74-0249 is supplemental to Right 74-0404 and may only be used when Right 74-0404 cannot be diverted, because of priority recognition with other water rights using Lemhi River.

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

1. Right number 74-0404/0249 Applicant Stoddard
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. Loss of .39 cfs and 21.5 acres from original right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 74

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 4/7 Received on 11-17-82
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve OIE OS (74M Agency Co.) : stipulated agreement.
2. ☐ Deny
3. Conditions* ① measuring device ② Watermaster control,
Water District 74

4. By Ernest Carlson Date Oct. 28, 1981

RECEIVED
NOV 22 1982

* All uses within Watermaster Districts require special conditions.

Department of Water Resources

WATER RIGHT NUMBER 74-0249

OWNER LAST NAME - STODDARD

FIRST NAME - JAMES P.

ORIG OWNER -

OWNER LAST NAME - STODDARD

FIRST NAME - JEAN L.

ORIG OWNER -

ADDRESS LINE 1 - RT. 1 BOX 120

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - SALMON

STATE - ID ZIP CODE - 83467

SOURCE - AGENCY CREEK

TRIBUTARY OF -

STAGE - DECREE

STATUS -

PRIORITY - 11-27-1919 COUNTY - LEMHI

TOTAL DIV. RATE - 3.8000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS - B

DIVERSION POINT -

28 19N 24E LOT 01 REDIV -

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

USE DIV. RATE -

3.8000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 19N RNG 24E SEC 20

TRACT NENE LOT

AC 07 TRACT

NWNE LOT

AC 37

TRACT SWNE LOT

AC 38 TRACT

SENE LOT

AC 08

TRACT SENW LOT

AC 02 TRACT

NESW LOT

AC 05

TRACT NESE LOT

AC 06 TRACT

NWSE LOT

AC 39

USE - IRRIGATION

PLACE OF USE - TWN 19N RNG 24E SEC 17

TRACT SWNE LOT

AC 23 TRACT

NWSE LOT

AC 18

TRACT SWSE LOT

AC 26 TRACT

SESE LOT

AC 03

DECREE NAME -

DATE -

TOTAL ACRES

212

REMARKS - AC. IRR.=209.8.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

TRANSFER REVIEW

Jim J.
3-21-83

I. Protest Review:

A. 1. Protest received 1-29-1981
from Sherman Funez for
M. J. CHAMBERLAIN

2. Protest Withdrawn 10-28-1981

B. 1. Protest received 1-28-1981
from LLOYD A. CLARK

2. Protest Withdrawn 4-20-1981

C. 1. Protest Received 1-30-1981
from Lemhi Tr. Dist.

2. Protest Withdrawn 10-9-1981

II. ORIGINAL RIGHT DESCRIPTION CHECK:

Front Page checked w/ Lemhi
Proposed FINDINGS REPORT CONTAIN-
ING STIPULATED AGREEMENTS.

Rt. 74-0249 STIPULATED
AGREEMENT - NOTED AND SHOULD
BE REFERRED TO IN CONDITIONS OF APPROVAL
ON TRANSFER

RECEIVED

OLD

III. ~~NEW~~ PLACE OR USE CHECK:

A. 19N 24E SEC 17 " " SWNE

~~SWNE 74-0226 15A~~

~~PATTEE CR.~~

15 AC	74-0226	PATTEE CR.	} No overlap
15 AC	74-0227	PATTEE CR.	

23 AC	74-0249	AGENCY CR.	} RTS IN TRANSFER
23 AC	74-0404	LEMHI R.	

23 AC 74-7093 SPRINGS -

7 AC	74-7094	LEMHI R.	(Permit - No overlap, CONFLICT)
------	---------	----------	---------------------------------

" " NW SE

18	74-0249	AGENCY CR.	} RTS IN TRANSFER
18	74-0404	LEMHI CR.	
5	74-0741	"	(No overlap)
30	74-7094	"	(Permit - No OVERLAP CONFLICT)

" " SW SE

26	74-0249	} RTS IN TRANSFER
26	74-0404	
3	74-0741	
30	74-7094	(No overlap)

(Permit - No OVERLAP CONFLICT)

NOTED

SE SE

3	74-0249	SAME	} RTS IN TRANSFER
3	74-0404	SAME	
7	74-7092 B	LEMMING R.	
27	74-7094	SAME	(Permit No overlap conflict)

B. 19N 24E SEC 20

NE NE

6	74-0247	AGENCY CR.	} No overlap
6	74-0248	~~SAME~~ "	
7	74-0249	SAME ~~AS ABOVE~~	} RTS IN TRANSFER
7	74-0404	AS ABOVE	

~~1~~ "NWNE"

74-0249 } RTS
24-0404 } TRANSFERED

"SW NE"

36 SAME AS ABOVE? RTS TRANSFERED

"SE NE"

25	74-0247	SAME	} No overlap RTS TRANSFERRED T. 2509
25	74-0248	SAME	
8	74-0249	SAME	} RTS in TRANSFERRED
8	74-0404	SAME	

~~SECRET~~ "SENW"

~~2~~ 2 74-0249 } RTS IN
2 74-0404 } TRANSFER ~~2~~
26 74-0741

NO OVERLAP

NE SW

5	74-0249	RTS IN	Same
10	No over- lap → 74-0250	TRANSFER	AGENCY Cr.
15	74-0404		Same
16	74-0739	No overlap	Heniti R.
6	74-0741	No overlap	" "
1	74-1670	No overlap	AGENCY Cr.

NESE"

33	74-0247	Same } No OVERLAP
33	74-0248	
6	74-0249	" } RTS IN TRANSFER
6	74-0404	

NW SE "

1	SAME AS	} NO OVERLAP
1	ABOVE	
39	74-0249	} Rts IN TRANSFER
39	74-0404	

IV NEW PLACE OF USE CHECK:

A. 19N 24E SEC 16

ACRES
IRR. BY
TRANS.

"SW SW"

→ 40 AC NONE

B. 19N 24E SEC 20

"SW NE"

31.5 AC No - other rts. besides 0249/0404

"SE NE"

30.5 AC 25 AC - rts 74-0247 & 74-0248 *

"NE SE"

30.3 AC 33 AC Rts SAME AS ABOVE *

"NW SE"

31.5 AC No other rts

C. 19N 24E SEC 21

"NW NW"

6 AC

~~34 AC~~ 34 AC 74-7092B - (No overlap Permit)

"SW NW"

40 AC

No other Rts.

* T. 2509 removed these rts - NO overlap

MICROFILMED

DUTY OF WATER REVIEW

74-0404 10.30 cfs / 209.8 AC = 0.049 cfs/AC.

74-0249 3.80 cfs / 209.8 AC = * 0.018 cfs/AC.

* STIPULATED AGREEMENT LIMITS WATER
DIVERGED UNDER THIS RT. TO TIMES ^{WHEN} THE
FLOW IN THE LEMHI R IS NOT AVAILABLE.

TRANSFER SHOWS THAT water will be
supplied to part of land via circular
sprinkler system.

~~RATE PER ACRE IS EXCESSIVE.~~

~~PER SECTION 42-202 APPLICANT should
probably be required to show justification
for more than 0.02 cfs/AC.~~

~~Condition needed on transfer to
limit total ^{ANNUAL} volume to ^{1.45} 20 Acre-feet/
annum.~~

~~Note! Lemhi Adj. did not
include volume for irrigation use.~~

ADJ. Map shows that majority of
loss occurs in conveyance ditch
from source to field.

Excessive rate of diversion probably
justified.

RECEIVED

ADJ. MAP REVIEW

I. Map shows (apparently) 8.0 ac
Err. by 74-0404 & 74-0249 in SWNE
Sec. 17 T19 R24E.

Transfer shows 23.2 ac as does
deed.

Assume 23.2 ac correct

- SEE BELOW -

II. Rlt. 74-7093 source springs is
not on map - filed after Adj cutoff
Date.

REFER TO I.

Map appears to show a total
of 23.2 acres irrigated in SWNE S. 17

Wtr Rts 74-0226 & 74-0227 source

Pattee Creek also appear to irrigate
a portion of this land 15.2 ac.

The transfer proposes to remove
Rts 74-0404 & 74-0249 from this land.

The result will be in an
expansion in the use of Pattee
Creek under Rts 74-0226 & 74-0227.

RECEIVED
JAN 1964

ADJ. MAP REVIEW CONT.

III. Wtr Rd. 74-7092B NOT ON MAP.
Rt. 74-7092B is a permit filed
after Adj cut off date.

Transfer proposes to utilize
sprinkler system and perhaps
reduce some of the ditch losses
now occurring.

Major loss probably occurs
from P/O to Sec. 20.

Losses saved by reducing
ditches ^{is} ~~are~~ minor.

RECEIVED
JAN 11 1974

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 74-0404/0249

NOV 17 1982

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Eastern District Office

I, EVAN JONES, watermaster of Agency Co,
of Water District No. 74M, County of Lemhi, State of Idaho,
whose address is Box 28 Terrell Idaho

have read the attached copy of the application for transfer of water right for _____

James F. Stoddard, and to the best of my knowledge believe the
(name)

application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: Approved

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Terrell, Idaho, this 5 day of Nov 1982

Evan Jones
(signature)

MICROFILMED

Please use reverse side if needed.

November 1, 1982

RE: Application for Transfer No. 74-0404/0249 STODDARD

Ivan Jones, Watermaster
Water District No. 74-M
Box 28
Tendoy, Idaho 83468

Dear Mr. Jones:

Our files indicate we have not received your watermaster comments on the above captioned application for transfer, which was forwarded to you on June 24, 1982. 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
Assistant Regional Supervisor

EC:cw

Enclosures

RECEIVED
NOV 11 1982



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

June 24, 1982

RE: Application for Transfer No. 74-0404/0249 STODDARD

Ivan Jones, Watermaster
Water District No. 74-M
Agency Creek
Box 28
Tendoy, Idaho 83468

Dear Mr. Jones:

Enclosed please find a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office as soon as possible.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

RECEIVED
JUL 1 1982

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

NOV 16 1981

DATE 11/4/81

TO Ernest Carlsen

Department of Water Resources

SUBJECT Transfer 2509 on Rights 74-0247 & 74-0248 and Transfer 2510 on Rights
74-0404 & 74-0249.

I could not find watermaster recommendations.??

74-0404 & 74-0244 - There is no water master on the Lemhi River.

74-0247 & 74-0248 - Requesting watermaster comments,

12-3-81

ERNIE

NEED Water master Recommendation - 74-0249 source is
Agency Creek W.D. 74M

SIGNATURE

November 2, 1981

RE: Application for Transfer No. 74-0404/0249 & 74-0247/0248

Lloyd A. Clark
P.O. Box 1451
Salmon, Idaho 83467

Dear Mr. Clark:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced applications. The Department has resumed processing of these applications.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

November 2, 1981

RE: Application for Permit No. 74-7092 & 74-7094
Application for Transfer No. 74-0404/0249 & 74-0247/0248

Mr. Sherman F. Furey
Attorney at Law
Box 1127
Salmon, Idaho 83467

Dear Mr. Furey:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced applications in behalf of Ivan L. Jones and M. J. Chamberlain. The Department has resumed processing of these applications.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Ivan L. Jones
M. J. Chamberlain

MICROFILMED

November 2, 1981

RE: Application for Transfer No. 74-0404/0249
No. 74-0247/0248
Application for Permit No. 74-7092, 74-7093 & 74-7094

Mrs. Carol B. Sells
c/o Ms. Diana Nordhoff
Crocker National Bank
44 Montgomery Street
Suite 2110
San Francisco, CA 94104

Dear Mrs. Sells:

This letter is to advise you that all protests have been withdrawn from the above referenced applications. The Department has now resumed the processing of said applications.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Kent Foster

MICROFILMED

IN THE MATTER OF APPLICATIONS
FOR PERMITS NO. 74-7092 & 74-7094
AND APPLICATIONS FOR TRANSFERS
NO. 74-0404/74-0249 & 74-0247/
74-0248 IN THE NAME OF JAMES
STODDARD & CAROL B. SELLS.

WITHDRAWAL
OF
PROTEST.

We, the undersigned, hereby agree to withdraw our
protest against the above captioned applications
with the understanding that rights 74-0404 & 74-0249
will continue to be used as stipulated by Judge
Boyd Thomas in his March 12, 1981 decision concerning
those rights; ~~and~~ that no decreed water will be
used on the Desert Land Entry in Section 21
Township 19N Range 24E. Signed the 28th day of
October, 1981 in Salmon, Idaho.

Lloyd A. Clark

 for Ivan Jones and
M. A. Chamberlain and
Ronald Adde -

RECEIVED

October 26, 1981

RE: Application for Transfer No. 74-0404/0429 and 74-0247/0248

Mrs. Carol B. Sells
c/o Ms. Diana Nordhoff
Crocker National Bank
44 Montgomery Street
Suite 2110
San Francisco, CA 94104

Dear Ms. Sells:

This letter is to advise you that James Herndon in behalf of the Lemhi Irrigation District has withdrawn their protest against the above referenced application for transfer.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

October 26, 1981

RE: Application for Transfer No. 74-0404/0429 and 74-0247/0248

Mr. Kent Foster
Attorney at Law
P.O. Box 129
Idaho Falls, Idaho 83402

Dear Mr. Foster:

This letter is to advise you that James Herndon in behalf of the Lemhi Irrigation District has withdrawn their protest against the above referenced application for transfer.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

October 26, 1981

RE: Application for Transfer No. 74-0404/0249 and 74-0247/0248

Mr. James C. Herndon
Attorney at Law
P.O. Box 786
Salmon, Idaho 83467

Dear Mr. Herndon:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced application for transfer in behalf of the Lemhi River Irrigation District. The Department will take no further action concerning this matter.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620
AREA CODE 208

WILLIAM S. HOLDEN
R. VERN KIDWELL, P. A.
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER, P. A.
STEPHEN E. MARTIN
CHARLES A. HOMER

GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL O. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)

RECEIVED

OCT 23 1981

Department of Water Resources
Eastern District Office

October 22, 1981

Mr. Ernest Carlsen
Assistant Regional Supervisor
Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83402

Re: Applications for Permits #74-7092 and #74-7094;
Applications for Transfers #74-0404/0249 and
#74-0247/0248 - James Stoddard/Carol B. Sells

Dear Mr. Carlsen:

I am writing this as a brief response to Mr. Herndon's letter of October 20. I guess we are not quite certain why Mr. Stoddard and Mr. Herndon are perplexed, but it appears that they may have forgotten that even though hearings were held on most of these applications previously and agreements reached requiring Stoddard to amend his applications in accordance with those agreements, in connection with the sale of the ranch to Carol Sells, most of Mr. Stoddard's amendments were withdrawn and different amendments filed in some cases and the original applications left as they were in others. In any case, unless purely by accident, the present status of the applications does not comply with any agreements reached at the last hearing.

Also, as I understand it, Mr. Herndon has previously filed a protest on behalf of the Lemhi Irrigation District to some or all of these applications. I had further understood that not only did Mr. Herndon agree to withdraw those protests as a result of the first hearing, but had agreed again to withdraw the protests subsequent to the sale of the ranch to Carol Sells and the changes made in the applications at that time. We have been advised by the Department, however, that the Irrigation District has never withdrawn its protests.

In our opinion, the only way to resolve this matter is to conduct a hearing and request the ruling of the Department on the various applications.

Yours very truly,

Kent

Kent W. Foster

KWF:lh

cc: James C. Herndon

RECEIVED

OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMITS)
 NO. 74-7092 AND 74-7094 AND APPLICATIONS)
 FOR TRANSFERS NO. 74-0404/0249 AND)
 74-0247/0248 IN THE NAME OF JAMES)
 STODDARD/CAROL B. SELLS)

COMBINED
 NOTICE OF HEARING
 AND/OR CONFERENCE

On December 15, 1980, James Stoddard (later sold to Carol B. Sells) filed with the Department of Water Resources applications to appropriate and transfer the public waters of the State of Idaho under the above referenced applications. Protests were received by the Department against approval of said transfers on January 28, 1981 from Lloyd A. Clark; January 29 from ^ASherman F. Furey, Jr. in behalf of M. J. Chamberlain; and on February 2 from ^CLemhi Irrigation District. Protests were received against approval of said applications for permits on January 23 from Ivan L. Jones; and on February 2 from the Lemhi Irrigation District.

The Department has set the matter of protests for hearing for Wednesday, October 28, 1981, at 11:00 a.m. in the Courtroom of the Lemhi County Courthouse, Salmon, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

RECEIVED
 OCT 28 1981
 WATER RESOURCES

5. Will the proposed use conflict with the local public interest?

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

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

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

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

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

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

Dated this 9th day of October, 1981.


Regional Supervisor

RECEIVED

LAW OFFICES OF
JAMES C. HERNDON
HERNDON HOTEL BLOCK
P. O. BOX 789
SALMON, IDAHO 83467

J. CHARLES HERNDON [1911-1966]

TELEPHONE 756-2412
AREA CODE 208

October 20, 1981

RECEIVED
OCT 21 1981

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Assistant Regional Supervisor
Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83402

Re: Applications for Permits #74-7092 and
74-7094; Applications for Transfers
#74-0404/0249 and 74-0247/0248
James Stoddard/Carol B. Sells

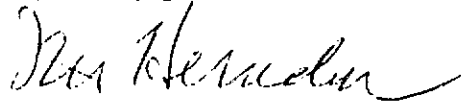
Dear Ernest:

Frank Stoddard was in regarding the above described permits and transfers. Mr. Stoddard is a little preplexed, as am I, as to the need for another hearing.

Based on the last hearing and the agreement reached, Mr. Stoddard amended his application in accordance with the agreement reached by the parties and the amended application was published. The final day for protest was June 1, 1981. As far as we know, no protests were filed on the amended applications.

Since Kent Foster represents the interest of Carol B. Sells, I am sending a copy of my letter and a copy of the Notice of Hearing to him.

Very truly yours,



JAMES C. HERNDON

JCH/th

cc: Kent Foster
Frank Stoddard

*Letter responded to
by Kent Foster,
Oct 22-81.*

Emile

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 16, 1981

Lemhi County Courthouse
Lemhi County Clerk
Salmon, Idaho 83467

Dear Beverly:

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

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

RECEIVED
OCT 21 1981

PS Form 3877, Sept. 1979
ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER		DEPARTMENT OF WATER RESOURCES EASTERN DISTRICT OFFICE 150 SHOU? AVE.		Indicate type of mail ☐ Registered ☐ Insured ☐ COD ☒ Certified		I certify that we have ☐ Commercial Insurance ☐ A deductible clause of \$		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT				
1	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. F. REMARKS	
1	12795	Lloyd A. Clark, P.O. Box 151, Salmon	18	75							74-709	
2	12796	Gran L. Jones, Box 129, Union Bay	"	"							74-709	
3	12777	Barrie E. Hill, 44 Monticney, Ind. Hwy.	"	"							74-0408 T 0247	
4	12798	Norman H. Berlin, P.O. Box 2, Oakes	"	"							75-7	
5	12799	Milroy Jones, Box 771, Salmon	"	"							"	
6	12800	Robert Jones, Box 741, Union Bay	"	"							74-220 74-0006	
7	12801	Walter Olson, Rt #1, Box 12, Salmon	"	"							"	
8	12802	Walter Olson, Salmon, Id	"	"							"	
9	12803	Tim Freeman, Rt #1, Box 47, Salmon	"	"							"	
10	12804	Fred West, P.O. Box 1227, Salmon	"	"							"	
11	12805	Tom Freeman, Rt #1, Box 47, Salmon	"	"							13-720	
12						16.83						
13						32.75						
14						39.78 total						
15												

POOR QUALITY ORIGINAL

TOTAL NUMBER OF PIECES LISTED BY SENDER 11	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE 11	POSTMASTER, PER (Name of receiving employee) C BR	The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on article valued up to \$1,000 or the full amount of the deductible if the deductible exceed \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COI and \$400 for insured mail. Special handling charges apply only to third- and fourth class parcels. Special delivery service also includes special handling service.
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PS Form 3877, Sept. 1978

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

NAME AND
ADDRESS
OF SENDERDEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401Indicate type of mail
☐ Registered
☐ Insured
☐ C.O.D.
☒ CertifiedI certify that we have
☐ Commercial Insurance
☐ A deductible clause of
\$Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

1 No	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE REMARKS
1	12780	Frank Brown, Riggs, Id	18	75							22-2139
2	12781	Kenneth Rippinger, Riggs, Id	"	"							"
3	12782	John Kay, Riggs, Id									"
4	12783	Frank J. Truett, Fairbairn, Ashton									21-2012 21-2034
5	12784	Wm J. Smith, 305 2nd W, Ketchikan									"
6	12785	Frederick Madison, P.O. Box 5, St. Paul									"
7	12786	Robert Cherry, Box 472, Ashton, Id									"
8	12787	Bruce & Lucille Fuller, Box 145, Ellis, Id									75-7258
9	12788	James O. Treadwell, P.O. Box 789, Salmon									"
10	12789	Richard McDaniel, Box 13, Ellis									"
11	12790	James T. Stodard, Rt #1, Box 120, Salmon									74-7092 74-7097
12	12791	Gene J. Miller, P.O. Box 129, St. Paul, Id									74-0409 74-0247
13	12792	James Treadwell, Treadwell Hotel, Salmon									"
14	12793	Norm J. Wiley, P.O. Box 127, Salmon									"
15	12794	M. J. Chamberlain, 701 Whitelock Rd, Rexburg, Id		95							"
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.					
15		15		CBR							

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

LAW OFFICES OF
JAMES C. HERNDON
HERNDON HOTEL BLOCK
P. O. BOX 789
SALMON, IDAHO 83467

J. CHARLES HERNDON [1911-1966]

TELEPHONE 756-2412
AREA CODE 208

October 7, 1981

RECEIVED

OCT 9 1981

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Assistant Regional Supervisor
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application Nos. 74-0247/0248 and
74-0404/0249 - James Stoddard

Gentlemen:

Pursuant to our stipulation at the July 21, 1981 hearing,
the Lemhi Irrigation District hereby withdraws its protest
to the above numbered applications.

Very truly yours,


JAMES C. HERNDON

JCH/th

RECEIVED

CONVERSATION MEMORANDUM

DATE June 15, 1981Transfer FILE 74-0404/0249Transfer File 74-0247/0248Files 74-7092/7093/7094NAME OF PARTY Kent Foster, Attorney at LawEMPLOYEE Ernest Carlsen *EC*

RE: Mr. Foster, as counsel for the new owners of the Stoddard Ranch, advised
me he has been working with Bob Charles the new manager and the other users of
the Co. Ditch to resolve the protests on the above filings. At this point an
agreement has been drafted and approved by his client. Approval of the agreement
by the other users is still pending. It is Mr. Foster's understanding that
approval of the agreement will consummate withdrawal of Ivan Jones protest. In
light of the progress, he requested the Department hold action on the applications
until we receive notification from him.

ACTION: Put files on "HOLD" for 30 days - pull on July 13th...

150 Shoup

XXXXXXXXXXXXXXXXXX

June 18, 1981

RE: Application for Transfer No. 74-0247/0248, 74-0404/0249
Application for Permit No. 74-7092/~~7093~~/7094 JAMES STODDARD

Mr. Sherman F. Furey
Box 1127
Salmon, Idaho 83467

Dear Mr. Furey:

Shortly after our last correspondence, Mr. James Stoddard sold his ranch with the exception of the desert land entry to a party from California. Subsequent to the sale the Department received a letter from Mr. Stoddard outlining numerous water right transaction he had executed under the terms of an agreement with the new owner. A copy of this letter along with all the applications as they are currently on file with the Department are enclosed. Also enclosed is a plat map which illustrates the changes which were made pursuant to Mr. Stoddard's letter.

Although, I will be glad to discuss these changes, should there be questions you may wish to contact Mr. Kent Foster of Holden, Kidwell, Hahn, and Crapo, who has been retained by the new owner. A recent conversation with Mr. Foster revealed a willingness to try and resolve the protest without having to schedule a formal hearing before the Department.

In order to prevent any unnecessary delays in the processing of these applications, the Department would appreciate being advised of any changes concerning the status of your client's protest.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw

Enclosures

RECEIVED

150 Shoup Ave. -----

525-7161

May 12, 1981

RE: Amended Application for Transfer of Water Right No. 74-0404/0249

James Herndon
Herndon Hotel Block
P.O. Box 789
Salmon, ID 83467

Dear Mr. Herndon:

Attached herewith is Departmental Receipt No. 17622 in the amount of \$20.00 for the amending of the above referenced water right in the name of James Stoddard.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 5/11/1981

TO Stoddard's Water Right files

SUBJECT

On this date I sent to the Bureau of Land Management copies of ^{amended} rights nos. 74-7092, and 74-0404/0249. I also forwarded to them a copy of 74-2073/2092.

copy to
State Office
5/12/81 kw

RECEIVED

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 7, 1981

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 billing to this office before JUNE 1, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECORDED
& INDEXED

NOTICE OF PROPOSED AMENDING OF APPLICATION FOR TRANSFER

NO. 74-0404/0249

Notice is hereby given that amended transfers were filed by James Stoddard as follows:

NO. 74-0404 AMOUNT: 10.3 cfs PRIORITY: June 1, 1914

DECREED POINT OF DIVERSION: SENE, Sec. 5, T. 18N, R. 24E, B.M., Lemhi County. SOURCE: Lemhi River

NO. 74-0249 AMOUNT: 3.80 cfs PRIORITY: Nov. 27, 1919

DECREED POINT OF DIVERSION: NWNE, Sec. 28, T. 19N, R. 24E, B.M., Lemhi County. SOURCE: Agency Creek

The right holder requested the transfer to change the place of use to:

NO. 74-0404 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 21; T. 19N, R. 24E, B.M.

NO. 74-0249 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20; T. 19N, R. 24E, B.M.

The right holder now proposes to amend this application for transfer amending the place of use as follows:

S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 21; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16; T. 19N, R. 24E,

Any protest to the proposed amending of Transfer No. 74-0404/0249 must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83401 on or before June 1, 1981.

A. KENNETH DUNN

Director

Published in the Recorder-Herald 5/14 and 5/21/81.

RECORDED
INDEXED

LAW OFFICES OF
JAMES C. HERNDON
HERNDON HOTEL BLOCK
P. O. BOX 789
SALMON, IDAHO 83467

J. CHARLES HERNDON [1911-1966]

TELEPHONE 756-2412
AREA CODE 208

April 30, 1981

RECEIVED

MAY 4 1981

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
Eastern District Office
150 Shoup
Idaho Falls, Idaho 83401

Attention: Ernest M. Carlsen

Re: Amended applications No.
74-0404/74-0249 and 74-7092

Dear Ernie:

Sorry about the confusion. However we called your office and asked about the fee and sent them what they told us was needed. Enclosed is another \$20.00.

Very truly yours,



JAMES C. HERNDON

JCH/th

Enclosure

RECEIVED

LAW OFFICES
SHERMAN F. FUREY, JR.

P. O. BOX 1127
SALMON, IDAHO 83467

ASSOCIATE
JERRY L. FURNISS

(208) 756-2577

May 4, 1981

Mr. Ernest M. Carlson
Senior Resource Analyst
Dept. of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

Re: Amended Application for Transfer
No. 74-0404/0249

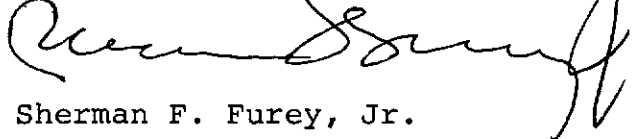
Dear Mr. Carlson:

Thank you for your letter of April 29.

Again, I assume that my clients' protests are still effective as to the subject Transfer Applications.

I assume also that you will send me copies of any additional Amended Applications and/or Modifications which may be filed.

Very truly yours,



Sherman F. Furey, Jr.

SFF:kw

cc: Mr. Ivan Jones
Mr. Ron Alder
Mr. M. J. Chamberlain

RECEIVED

MAY 5 1981

Department of Water Resources
Eastern District Office

RECEIVED

April 29, 1981

James C. Herndon
Attorney at Law
Herndon Hotel Black
P.O. Box 789
Salmon, Idaho 83467

RE: Amended applications No. 74-0404/74-0249 and 74-7092

Dear Mr. Herndon:

On April 27, 1981, the Department received the above two amended applications, three assignment forms and a check for \$20 from Lemhi Title & Abstract Company. Though both amended applications are in correct form, the filing fee for each is \$20. Because amended application for permit No. 74-7092 was partially assigned to another party, it was receipted with the \$20 we received. (copy of receipt #17612 is enclosed)

Although we are not returning amended application for transfer 74-0404/74-0249, it will not be receipted until we receive another \$20. To prevent any extensive delays in the processing of this amended application, it is hoped you can give this matter your immediate attention.

Respectfully submitted,

ERNEST M. CARLSEN
Sr. Resource Analyst

EMC:brs

LAW OFFICES OF
JAMES C. HERNDON
HERNDON HOTEL BLOCK
P. O. BOX 789
SALMON, IDAHO 83467

J. CHARLES HERNDON [1911-1966]

TELEPHONE 756-2412
AREA CODE 208

April 24, 1981

Mr. Ronald E. Carlson, Supervisor
Eastern Region Office
Idaho Dept. of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

*sent
1 check \$200.00
for PW*

Re: Application Nos. 0404 and 0249;
74-7092, 74-7093, 74-7094

Dear Ron:

Enclosed herewith please find applications for transfer of water rights and amendments to various applications in regards to James F. (Frank) Stoddard and the Stoddard Ranch near Tendoy, Idaho. Kent Foster discussed these matters with you.

If you have any questions, please let us know.

We are enclosing our check for the fees.

Very truly yours,

James C. Herndon
JAMES C. HERNDON

JCH/th

Enclosures

cc: Timothy N. Brown
Kent Foster

RECEIVED
APR 27 1981
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE

RECEIVED

APR 27 1981

Department of Water Resources
Eastern District Office

April 24, 1981

RECEIVED

APR 27 1981

Mr. Ronald E. Carlson, Supervisor
Eastern Region Office
Idaho Dept. of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83401

Department of Water Resources
Eastern District Office

Re: Applications for Transfer of Rights
No's 0247/0248 and No.'s 0404/0249,
and Applications for Permit No. 74-7092,
No. 74-7093, and No. 74-7094

Dear Mr. Carlson:

As you are aware, we filed the above referenced applications for transfer and for permit on December 15, 1980. Hearings were subsequently held on protests and partly as a result of those hearings, we amended both of the applications for transfer and filed those amended applications on March 26, 1981.

In the meantime, we have decided to sell most of the ranch for which most of these water rights have been or would be used. We have just, simultaneously with the signing of this letter, executed an agreement under the terms of which Mrs. Carol B. Sells has purchased the ranch. We will be retaining only approximately 86 acres of land for which we have made application for a desert land entry and a small strip of land near Tendoy where we expect to reside.

In connection with the negotiation for the sale of this ranch, it was agreed that all existing water rights should remain with the ranch and that all of the water rights being applied for, except for enough for irrigation of our desert land entry should also remain with the ranch. In order to effectuate the terms of this agreement, we have executed and are enclosing with this letter the following documents.

1. Amended application to transfer water rights
no.'s 0404 and 0249.
2. Amended application for permit no. 74-7092.
3. Assignment of permit no. 74-7093.
4. Assignment of permit no. 74-7094.

RECEIVED

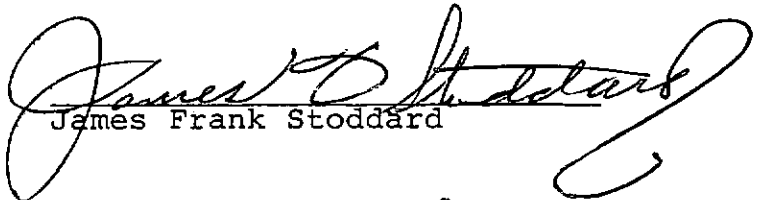
Mr. Ronald E. Carlson, Supervisor
April , 1981
Page Two

5. Assignment of portion of amended permit
no. 74-7092.

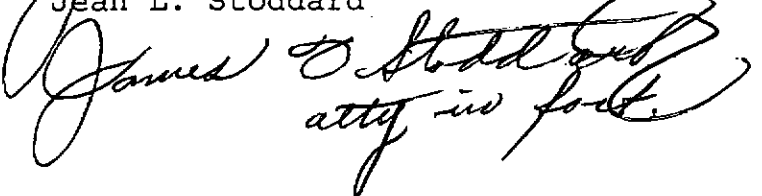
By this letter we also wish to confirm that we are withdrawing the amended applications for transfer which were filed on March 26, 1981 and request that no further action be taken on those amended applications. With the exception of 80 miner's inches applied for under application for permit no. 74-7092, we will no longer be involved in the processing of the applications for transfer or the applications for permit. The buyer will be requesting that you proceed with the original application for transfer of rights no.'s 74-0247 and 74-0248, as well as applications for permits no.'s 74-7093 and 74-7094. The buyer will also be requesting that you proceed with the enclosed amended application for transfer of rights no.'s 74-0404 and 74-0249 as well as the amended application for permit no. 74-7092. All further correspondence on all of these matters except for our portion of application for permit no. 74-7092, should be directed to the buyer, Mrs. Carol B. Sells, c/o Ms. Diana Nordhoff, Crocker National Bank, 44 Montgomery Street, Suite 2110, San Francisco, California 94104. Ms. Nordhoff's telephone number is (415) 477-8552.

Thank you for your kind attention to this matter.

Yours very truly,


James Frank Stoddard


Jean L. Stoddard


James O. Stoddard
att'y in fact.

RECEIVED
MAY 1 1981

Floyd A. Clark
P.O. Box 1451
Salmon, Idaho 83467
April 14, 1981.

To:
Ernest Carlson
Senior Resource Analyst
Idaho Dept. of Water Resources

Dear Sir:

On March 12, 1981 Judge Boyd R. Thomas entered a judgement regarding Claim # 74-0249 relating it to 74-0404 as being only supplemental and further limited to one inch of water to the acre. If James F. Stoddard and others choose not to appeal this 3/12/81 judgement then I present the following statement.

In lieu of the above and review of Amended Application of Water Right for 74-0404/0249 and 74-0247/0248 submitted on form # 42-222 and your letter dated 4/8/81 consider as confirmed my withdrawal of Protest dated Jan 26, 1981.

Sincerely,
Floyd A. Clark

RECEIVED

RECEIVED

APR 20 1981

Department of Water Resources
Eastern District Office

April 29, 1981

Sherman F. Furey, Jr.
Attorney at Law
New Thrasher Building
Salmon, Idaho 83467

RE: Amended application for Transfer of No. 74-0404/0249

Dear Mr. Furey:

Subsequent to my commitment of scheduling an informal meeting to discuss the above amended application, it was brought to my attention that Mr. Stoddard has agreed to sell his ranch. The new owner apparently desires that additional modifications be made to some of the applications. Since the changes will require advertising, I see no need to schedule an informal meeting until the processing has been completed.

Once we are aware of all the changes, copies of the affected application will be sent to you for examination.

Respectfully submitted,

ERNEST M. CARLSEN
Sr. Resource Analyst

EMC:brs

SHERMAN F. FUREY, JR.
ATTORNEY AT LAW
NEW THRASHER BUILDING
SALMON, IDAHO 83467

P. O. BOX 1127

TELEPHONE
(208) 756-2577

April 23, 1981

Mr. Ernest Carlsen
Senior Resource Analyst
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

RECEIVED

APR 24 1981

Department of Water Resources
Eastern District Office

Re: Amended Application for Transfer of
Numbers 74-0404/0249

Dear Ernie:

Confirming our telephone conversation today, I understand that you will be scheduling an informal meeting in the near future in Salmon to be attended by someone from your office, probably yourself, and by any of the other Agency Creek water users and their representatives who wish to attend.

As I understand it, from examining the Amended Application and from our conversation today, the Amended Transfer Application, if granted, would result in a transfer of part of the 0404 (Lemhi River) water being made appurtenant to the new desert land entry land, while the balance of this right remained on the original ground. The 0249 supplemental right (Agency Creek) would remain on the original ground, but would be reduced from 209.8 acres (and inches) to 188.3 acres/inches.

As we both understand, the 0249 Agency Creek water is not available to Stoddard property in any amount, unless the 0404 water is insufficient to irrigate the land to which it is appurtenant. You indicated that the original acreage to which the 0404 right could be applied after the transfer (if granted) would be reduced by the amount of new DLE acreage, which will be irrigated with the transferred 0404 water. You felt that under these circumstances the potential demand on the 0249 supplemental right would be no greater after the proposed transfer than before. It appears likely that this is true, but as I stated, before advising my clients that this is the case and that they can safely withdraw their protests of Mr. Stoddard's Transfer Application, I would like to review the matter again with all of the users who wish to attend and someone from your office present and with the necessary maps and documents.

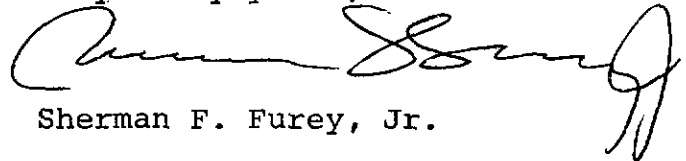
RECEIVED

Mr. Ernest Carlsen
Dept. of Water Resources
April 23, 1981
Page Two

We agreed that we could accomplish this with an informal conference in Salmon, which you will schedule, and as soon as I am advised of the date I'll advise those of my people who live in this area to be present.

Also, as discussed during our telephone conversation, your records should show that the Protests I have filed in behalf of Ivan Jones, Ron Alder and M. J. Chamberlain to the original Application shall remain in effect, including as to the Amended Application.

Very truly yours,



Sherman F. Furey, Jr.

SFF:gk

cc: Mr. Ivan Jones
Mr. Ron Alder
Mr. M. J. Chamberlain

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

150 Shoup Ave. 1515 Lincoln Road -
Idaho Falls, Idaho 83401
(208) 523-7166
525-7161

April 8, 1981

RE: Amended Applications for Transfer Nos. 74-0247/0248 & 74-0404/0249

Dear Sir:

In compliance with his oral commitment made during the water right hearing on March 3, 1981, Mr. Stoddard has amended Applications for Transfer Nos. 74-0247/0248 and 74-0404/0249. The amended applications are currently being processed by the Eastern Regional Office with the last date of protest scheduled to be April 27, 1981.

We have enclosed a copy of the amended applications for your review. Since it was our understanding the protests may be resolved in view of these changes, we would appreciate receiving confirmation as to the status of your protest prior to April 27, 1981.

Respectfully submitted,

Ernest Carlsen

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

(letter sent to Herndon, Furey, Chamberlain & Clark 4/8/1981, kw)

MICROFILMED

150 Shoup Ave. -----

525-7161

April 7, 1981

RE: Amended Applications for Transfer of Water Rights
Nos. 74-0247/0248 & 74-0404/0249 - JAMES STODDARD

Ronald Alder
Watermaster
Water District No. 74M
Salmon, ID 83467

Dear Mr. Alder:

Please find enclosed a copy of the above referenced applications (as amended) and watermaster recommendation forms. Please review the applications and complete the forms, returning them to this office on or before April 27, 1981.

Thank you for your cooperation in this matter.

Sincerely,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

RECEIVED

NOTICE OF PROPOSED AMENDING OF TRANSFER

No. 74-0404/0249

Notice is hereby given that transfers were filed by
James Stoddard as follows:

No. 74-0404 AMOUNT 10.3 cfs PRIORITY: June 1, 1914

DECREED POINT OF DIVERSION: SENE, Sec. 5, T. 18N,
R. 24E, B.M., Lemhi County.

No. 74-0249 AMOUNT: 3.80 cfs PRIORITY: Nov. 27, 1919

DECREED POINT OF DIVERSION: NWNE, Sec. 28, T. 19N,
R. 24E, B.M., Lemhi County.

The right holder requested the transfer to change the
place of use to the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 21, T. 19N, R. 24E.

The right holder now proposes to amend this transfer
amending the place of use as follows:

No. 74-0404 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20,
N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 21, T. 19N, R. 24E.

No. 74-0249 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20,
T. 19N, R. 24E, B.M.

Any protest to the proposed amending of Transfer
No. 74-0404/0249 must be filed with the Idaho Department
of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83401,
on or before April 27, 1981.

C. STEPHEN ALLRED

Director

Published in the Recorder Herald, Salmon, Idaho, on
April 9 and 16, 1981.

MICROFILMED

150 Shoup Ave. -----

525-7161

March 16, 1981

RE: Amended Applications for Transfer

James Stoddard
Route #1, Box 120
Salmon, ID 83467

Dear Mr. Stoddard:

Pursuant to the oral agreement reached at the conference held March 4, 1981, enclosed are two amended applications for transfer of your decree water from Agency Creek and the Lemhi River. Please carefully review both applications and provided they correctly reflect your intentions sign them in the presence of a notary and return them to this office with a check for \$40.00 as payment of the amendment fee. Also enclosed is a copy of the letter we sent to Mr. Strobel of the Bureau of Land Management and your easement agreement with the State.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

150 Shoup Ave. -----

525-7161

March 16, 1981

Vincent S. Strobel, Chief
Branch of L. & M. Operations
Bureau of Land Management
Federal Bldg., Box 042
550 W. Fort Street
Bozeman, ID 83724

RE: Desert Land Application No. I-7302

Dear Mr. Strobel:

Since our last status report concerning water rights for the above desert land application, the Department conducted a conference on March 4, 1981, to consider those protests registered against approval of Mr. Stoddard's application to transfer decreed water onto the lands in question. Based on information obtained at the conference Mr. Stoddard hopes to resolve the protests by amending his applications for transfer. Processing of the amended applications will cause additional delay of approximately one month once they have been receipted. I am sure Mr. Stoddard would appreciate the Bureau's cooperation in holding action on his Desert LAND Entry until the Department of Water Resources has had an opportunity to recommend final action on the transfer of his decreed rights.

Feel free to contact me if you have any questions regarding this matter.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw

cc: Mr. James Stoddard
Route #1, Box 120
Salmon, ID 83467

ENCLOSURE

SHERMAN F. FUREY, JR.

ATTORNEY AT LAW

NEW THRASHER BUILDING

SALMON, IDAHO 83467

March 5, 1981

P. O. BOX 1127

TELEPHONE

(208) 756-2577

Mr. Robert Fleenor
Department of Water Resources
450 West State
Boise, Idaho 83720

Re: Application for Transfer of Water Rights
James F. Stoddard
Nos. 74-0249/74-0404

Dear Mr. Fleenor:

This confirms a telephone call we made to the Department's Idaho Falls Office today. My client, Mr. M.J. Chamberlain, is agreeable to the proposed compromise of the above matter which was discussed during the hearing on Wednesday, March 4, 1981.

I understand that you will be sending us a written statement of the proposal.

Very truly yours,

Sherman F. Furey, Jr.

SFF:kw

cc: Mr. Ernest Carlson

RECEIVED

MAR 9 1981

Department of Water Resources
Eastern District Office

C
O
P
Y

11-20-81

Commissioners Room, Lemhi County Courthouse, Salmon, Idaho

Wednesday, March 4, 1981 (9:00 a.m.)

ROSTER OF ATTENDANCE

Hearing Officer Bob Fleener & Ernest Carlson

Name	Address	Representing
Frank Stoddard	Salmon Ida	self
Morris England	Salmon, Idaho	Pine Creek Rail Ave.
Ivan Jones	Terrell Idaho	
Donald Thomas	Salmon Idaho	
Lloyd A. Clark	P.O. Box 1451 Salmon	self
Ronald Alder	P.O. Box 22 Lindsy	self
Chonuma Jones	Box 1127 Salmon ID	Chamberlain, Jones & Alder
Waddell	Box 789 "	Kuhn & Kist.

MEMO

From: Ernest Carlsen *EMC*

Date: 2/20/81

To: Files T. 74-0404/0249 and 74-0247/0248

RE: Request by Sherman Furey, Jr. to reschedule hearing.

Pursuant to Mr. Furey's letter of February 18, 1981, requesting the hearing for 9:00 a.m., March 3, 1981, for the above protested applications for transfer be rescheduled, I telephoned his office this morning to discuss the matter. Although he was not available, his secretary was advised the hearing would be changed to 9:00 a.m., March 4, 1981. If Mr. Furey still wished to have the hearing rescheduled for another date, I told his secretary the Department would comply with the request provided Mr. Furey could get the applicant to consent with such a change and the Department was so advised in writing.

RECEIVED
MAR 23 1981
DEPT. OF JUSTICE

SHERMAN F. FUREY, JR.

ATTORNEY AT LAW

NEW THRASHER BUILDING

SALMON, IDAHO 83467

TELEPHONE

(208) 756-2577

P. O. BOX 1127

February 18, 1981

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

Attn: Mr. Carlson

Re: Stoddard - Chamberlain
Nos. 74-0404/0249 and 74-0247/0248

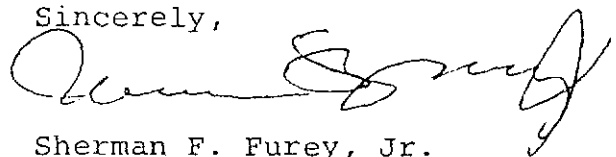
Dear Mr. Carlson:

I understand you are thinking of setting the above matters for hearing on March 3, 1981. As my secretary advised you on the telephone yesterday, I am already committed to a trial here in Salmon, Idaho, which will commence on March 2 and will continue for at least two and possibly three days.

Because of this prior commitment, I cannot be present at a hearing on March 3 and you are, therefore, requested to schedule the hearing for a later date.

I presently have additional trial commitments as follows: March 16, 20 and 23, 1981.

Sincerely,



Sherman F. Furey, Jr.

SFF:kw

MICROFILMED

RECEIVED

FEB 20 1981

Department of Water Resources
Eastern District Office

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

IN THE MATTER OF PROTESTS AGAINST
APPROVAL OF APPLICATION FOR TRANSFER
NO. 74-0247/0248 AND 74-0404/0249 IN
THE NAME OF JAMES STODDARD

NOTICE OF COMBINED HEARING

On December 15, 1980, James Stoddard filed with the Department of Water Resources two applications to transfer the public waters of the State of Idaho. On January 28, 1981, the Department received a protest against approval of said application from Lloyd A. Clark. On January 29, 1981, an additional protest was received from Sherman F. Furey, Jr., in behalf of M. J. Chamberlain; on February 2, 1981, a protest was received from the Lemhi Irrigation District.

The Department has set the matter of protest for hearing for Wednesday, March 4, 1981, at 9:00 a.m. in the Commissioner's Room of the Lemhi County Courthouse, Salmon, Idaho. A conference may be held before the hearing. Any hearing will be held in accordance with provisions of Chapter 2, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

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

MICROFILMED

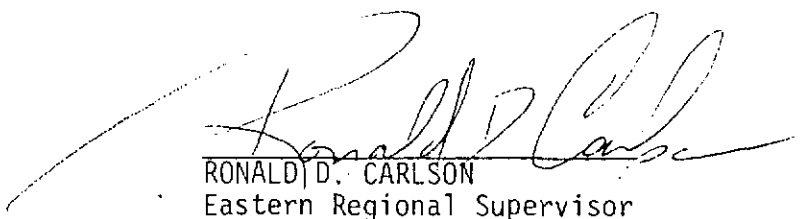
If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 67-5211.

By written stipulation, the parties may waive compliance with Idaho Code, Section 67-5211. If the hearing is conducted by a hearing officer, the hearing officer will ask the parties at the close of the hearing whether they would like to make such a stipulation.

Failure to waive compliance with Idaho Code, Section 67-5211 will not prejudice the Director's review of the party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 67-5211 is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

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

Dated this 19th day of February, 1981.


RONALD D. CARLSON
Eastern Regional Supervisor

MICROFILMED

Meeting List.

James Stoddard
Route #1 Box 120
Salmon, ID. 83467.

Lloyd A Clark.
P.O. Box 1451
Salmon, Idaho
83467.

M. J. Chamberlain
701 Westchester Road
Topeka, Kansas 66606.

Cleared
Sherman F. Furey, Jr.
P.O. Box 1127
Salmon Idaho.
phone, 756-2577

Lemhi Irrigation District.

Cleared
James C. Herndon.
Acting Secretary.
Lemhi Irrigation District.
Herndon Hotel Block
Salmon, Idaho 83467
phone 756-2412

NOTE: Telecon. to both Attorneys - Herndon available.

Furey - in court but nothing
scheduled.

RECEIVED
JAN 11 1960

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

1. Right number 74-0404 74-0249 Applicant Stoddard
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:

- 0249-01
a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
0404-01 Per copy of Lemhi Adj Report which include stipulated changes.
☒ Description of original point of diversion.
☒ Description of original place of use.

5. Amount of land &/or water transferred:

- ☒ 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).
- ☒ Check description of point(s) of diversion. No change
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments _____
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 74-M

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 1/14 Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date NOV 04 1981

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

150 Shoup Ave. - 1515 Lincoln Road
Idaho Falls, Idaho 83401
525-7161 (208) 523-7486

February 10, 1981

RE: Applications for Transfers of Water Right Nos. 74-0247/0248
74-0404/0249

Mr. James Stoddard
Route #1, Box 120
Salmon, ID 83467

Dear Mr. Stoddard:

Enclosed herewith is a copy of an additional protest against the above referenced applications.

Sincerely,

KAY WALKER
Secretary

KW:k
Enclosure

RECEIVED
FEB 11 1981
IDAHO DEPT. OF WATER RESOURCES

February 5, 1981

RE: Application for Transfer No. 74-0404/0249 and 74-0247/0248

James C. Herndon
Acting Secretary
Lemhi Irrigation District
Herndon Hotel Block
Salmon, Idaho 83467

Dear Mr. Herndon:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

RECEIVED
FEB 10 1981
IDWR

January 30, 1981

RE: Application for Transfer No. 74-0404/0249 and 74-0247/0248

Mr. James Stoddard
Rt. #1, Box 120
Salmon, Idaho 83467

Dear Mr. Stoddard:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

RECEIVED
JAN 31 1981
FBI - IDAHO

January 30, 1981

RE: Application for Transfer No. 74-0404/0249 and 74-0247/0248
STODDARD

Mr. M. J. Chamberlain
701 Westchester Road
Topeka, Kansas 66606

Dear Mr. Chamberlain:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office
Sherman F. Furey, Jr., Attorney

RECEIVED
FEB 2 1981

January 30, 1981

RE: Application for Transfer No. 74-0404/0249 and 74-0247/0248
STODDARD

Lloyd A. Clark
P.O. Box 1451
Salmon, Idaho 83467

Dear Mr. Clark:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDNR - State Office

RECEIVED
JAN 31 1981
IDNR



United States Department of the Interior

IN REPLY REFER TO
I-7302 (943)

BUREAU OF LAND MANAGEMENT
Idaho State Office
Federal Building, Box 042
550 W. Fort Street
Boise, Idaho 83724

JAN 20 1981

Mr. John Carlson
Idaho Dept. of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Enclosed is a copy of your letter of September 19, 1980 concerning Mr. Frank Stoddard's application for water transfer to the lands in his desert land application I-7302.

Would you please advise us within the next 20 days as to the status of this transfer. If the transfer has been approved, we would appreciate receiving a copy of the Approval Document.

Sincerely yours,

Vincent S. Strobel, Chief
Branch of L&M Operations

Enclosure

RECEIVED

JAN 22 1981

Department of Water Resources
Eastern District Office

ENCLOSURE

January 14, 1981

RE: Desert Land Application No. I-7302 (943)

Vincent S. Strobel, Chief
Branch of L&M Operations
Bureau of Land Management
Federal Bldg.
Box 042
550 W. Fort Street
Boise, ID 83724

Dear Mr. Strobel:

Mr. James Stoddard has asked we appraise you of his activities concerning the above desert land application. To date he has provided the Department with your letter of May 27, 1980 and also filed an application to transfer 86 inches of his decreed water to those lands described in his proposed entry. This application is currently being processed, and provided it is not protested will be forwarded to our State Office for final action after February 2, 1981.

If you have any questions, feel free to contact me.

Sincerely,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw

January 14, 1981

RE: Applications for Transfer of Water Right Nos. 74-0247/0248 and 74-0404/0249

Ronald Alder
Watermaster
Water District No. 74M
Salmon, ID 83467

Dear Mr. Alder:

Please find enclosed a copy of the above referenced applications and watermaster recommendation forms. Please review the applications and complete the forms, returning them to this office on or before February 2, 1981.

Thank you for your cooperation in this matter.

Sincerely,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

RECEIVED
JAN 15 1981

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 74-0404/0249

Notice is hereby given that James Stoddard, Salmon, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of the Lemhi River and Agency Creek. The rights sought to be changed are evidenced by decree to James F. &/or Jean L. Stoddard in case of State of Idaho vs. Mary Adams, etc. dated November 1, 1971 in Seventh Judicial District, County of Lemhi and are recorded as follows:

74-0404 Source: Lemhi River

Amount: 10.30 cfs

Priority: June 1, 1914

DECREED POINT OF DIVERSION: SENE, Sec. 5, T. 18N, R. 24E, Lemhi County.

74-0249 Source: Agency Creek

Amount: 3.80 cfs

Priority: November 27, 1919

DECREED POINT OF DIVERSION: NWNE, Sec. 28, T. 19N, R. 24E, Lemhi County.

The water is used to irrigate 209.8 acres within the SWNE, W $\frac{1}{2}$ SE $\frac{1}{4}$, SESE, Sec. 17; NE $\frac{1}{4}$, SENW, NESW, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20; T. 19N, R. 24E.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 209.8 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20; N $\frac{1}{2}$ NW $\frac{1}{4}$, SENW, Sec. 21; T. 19N, R. 24E.

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., Idaho Falls, Idaho, 83401 on or before February 2, 1981.

C. STEPHEN ALLRED

Director

Published in the Recorder-Herald 1/15 & 1/22/1981.

RECORDED
1-22-1981



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

November 4, 1980

Mr. James Stoddard
Route #1, Box 120
Salmon, ID 83467

Dear Mr. Stoddard:

I have drafted two transfers and one application for permit for your review. I assumed the points of diversion remained the same, and you are simply rediverting with pumps from the same ditches. Please review the transfers carefully and if there is some doubt come into the office.

The application for permit may require some modification as I am not sure if I included all of the land you are irrigating without a water right. Also the quantity of water filed on will be dependant on the total acreage filed on. In reviewing, check items 4, 5a, 8b, 9a and the map.

Sign all three applications and have the transfers notarized.

The fee should be \$15.00 if your three previous transfers are amendable. If you have any further questions please feel free to contact me.

Sincerely,

JOHN CARLSON
Water Resource Agent

JC:kw
Enclosures

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

September 19, 1980

Gene

Lean Babin
BLM
Federal Building
550 W. Fort
Boise, Idaho 83724

Dear *Gene* Lean:

Frank Stoddard requested that I notify you about his intent to transfer water to 86.15 Acres desert land application No. I-7302.

I am in the process of drawing the transfer up and if there are no protests, it should be final in two or three months. If you have any questions, please feel free to call me.

Sincerely,

John Carlson
JOHN CARLSON
Water Resource Agent

SEP 22 1980

BUREAU OF LAND MGMT
IDAHO STATE OFFICE
BOISE, IDAHO

C:bs

RECEIVED



United States Department of the Interior

IN REPLY REFER TO

I-7302 (943)

BUREAU OF LAND MANAGEMENT
Idaho State Office
Federal Building, Box 042
550 W. Fort Street
Boise, Idaho 83724

MAY 27 1980

Mr. James F. Stoddard
Route 1, Box 120
Salmon, Idaho 83467

Dear Mr. Stoddard:

Enclosed is a copy of the decision which classified 86.15 acres of public land in your desert land application, I-7302, as suitable for entry. The decision has now become final.

Your application and the classification of the land is based upon a transfer of Agency Creek decreed water from your private lands to the lands in your proposed entry. You will now have to submit evidence to show that the transfer of the decreed water has been approved by the Idaho Department of Water Resources and will be appurtenant to the 86.15 acres described in the classification decision. We must receive this evidence before we can issue a notice of allowance for your proposed entry.

When you make application for the transfer, be sure to accompany it with the copy of the classification decision so the Department of Water Resources will be aware that the lands have been suitably classified.

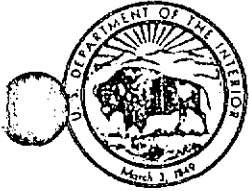
Sincerely yours,

Vincent S. Strobel

Vincent S. Strobel, Chief
Branch of L&M Operations

Enclosure:
Decision

RECORDED



United States Department of the Interior

IN REPLY REFER TO:

I-7302

BUREAU OF LAND MANAGEMENT

SALMON DISTRICT OFFICE

P.O. Box 430

Salmon, Idaho 83467

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

AUG 13 1979

Frank Stoddard
Route 1, Box 120
Salmon, ID 83467

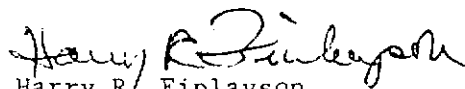
Dear Mr. Stoddard:

Pursuant to 43 CFR 2450.4(b), attached is a copy of an initial decision on the petition for classification for the lands described therein.

No protests were received during the first decision period. For a period of 30 days after receipt of this decision by the parties on the enclosed list, in accordance with 43 CFR 2450.5, this initial decision shall be subject to the exercise of the supervisory authority by the Secretary of the Interior for the purposes of administrative review. If the Secretary exercises his supervisory authority, you will be so notified. If he does not exercise his authority, this decision will become the final order of the Secretary.

All comments, objections or protests to this decision should be sent to the Secretary of the Interior, LLM, 320, Washington, D.C., 20240. They must be sent within 30 days of receipt of this decision. However, they should be sent as early as possible to insure enough time for their full review.

Sincerely yours,
For the State Director


Harry R. Finlayson
District Manager

Attachments

MICROFILMED

CONSERVE
AMERICA'S
ENERGY

Save Energy and You Serve America!

"ATTACHMENT A"
(Initial)
CLASSIFICATION DECISION

The following described Public Land has been examined and found suitable for Desert Land Entry.

The land is hereby classified for entry under the provisions of the Desert Land Act (the Act of March 3, 1877, as amended).

T. 19 N., R. 24 E., B.M.

Section 21: Lots 3 & 8

SE $\frac{1}{4}$ NW $\frac{1}{4}$

Containing 86.15 Acres

This classification is based on the following reasons:

1. The lands are physically suitable or adaptable to agricultural development (43 CFR 2410.1(a).
2. The lands meet the disposition criteria as stated in 43 CFR 2520.0-8.
3. The Soil Conservation Service has classified these lands as Class III which is a suitable capability classification for agricultural use.
4. The applicant will farm these lands in conjunction with his adjacent property, making this an economically feasible proposal.

Pursuant to Section 402(g) of the Federal Land Policy and Management Act of October 21, 1976, the grazing permittee(s) involved are hereby notified that grazing use of the lands described in this decision will be terminated in the event these lands are transferred out of Federal ownership.

The following described lands were also examined and that examination revealed that the lands do not meet the classification requirements under the Desert Land Act.

These lands are classified not suitable for entry under the provisions of the Desert Land Act (the Act of March 3, 1977, as amended).

T. 19 N., R. 24 E., B.M.

Section 21: NE $\frac{1}{4}$ SW $\frac{1}{4}$

Containing 40 Acres

MICROFILMED

This classification is based on the following reasons:

1. The land is not physically suitable for agricultural use because the soils within this parcel are Class VI land which has been determined not suitable for agriculture by the Soil Conservation Service.
2. To make this area level enough to farm, a large amount of fill will have to be used. This would cause erosion and sediment problems in the event of a high runoff storm.

Disposal of the subject suitable lands will be subject to an easement by the BLM for the Pattee Creek Road, where it crosses the suitable lands.

The following petition for classification is hereby partially approved. The following person, by reason of having filed a petition-application for Desert Land Entry will have a preference right to make entry under this classification as provided by 43 CFR 2450.

Name of Petitioner: Frank Stoddard

Type of Petition: Desert Land Act of March 3, 1877, as amended

This decision relates only to land classification. Adjudication action of the Idaho State Office will determine at a later date the merits of the application as well as the qualifications of the applicant.

8-13-79
Date

Harry R. Fairbairn
For the State Director

RECEIVED
SEP 13 1979
BLM
IDAHO STATE OFFICE

"ATTACHMENT B"

Copies of this decision have been sent to the following interested parties:

By CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John F. Herbst
Box 21
Tendoy, ID 83468

Charles E. Nicholas
Box 1257
Dillon, MT 59725

REGULAR MAIL:

State Clearinghouse
Division of Budget, Policy Planning and Coordination
Room 122
Statehouse
Boise, Idaho 83720

State of Idaho
Fish & Game Department
600 Walnut Street
Boise, Idaho 83702

Mr. Jack Weigand, Chairman
Board of Lemhi County Commissioners
Salmon, Idaho 83467

Mrs. Sara Johnson, Chairman
c/o Fred Snook, Jr. Box 1227
Lemhi County Planning Commission
Salmon, Idaho 83467

Idaho Fish & Game Department
ATTN: Mr. Walt Bodie
Box 1336
Salmon, Idaho 83467

State Director (943)

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

525-7161
150 Shoup
Idaho Falls, ID 83401

December 17, 1980

James F. Stoddard
Route #1, Box 120
Salmon, ID 83467

RE: Applications for Transfer of Water Right Nos. 74-0247, 74-0249 & 74-0404

Dear Mr. Stoddard:

This office acknowledges receipt of your withdrawal of the above referenced applications for transfer. We will take no further action in the processing of these applications and they will be voided from our records.

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

Respectfully submitted,

Ernest Carlsen

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw

MICROFILMED

In the matter of applications
for transfer #74-0247,
#74-0249 & #74-0404
in the name of James
Stoddard, filed 9-25-1973

Withdrawal

Finding it less complicated and more economical to
file two new applications for transfer on rights #74-0247,
74-0248, 74-0249 & 74-0404, I hereby withdraw the
three previous applications for transfer listed above.
Signed this 15th day of December, 1980

James B. Stoddard

MICROFILMED

1515 Lincoln Road

March 7, 1974

Re: Application for Transfer of Water Right No. 74-0247, 74-0249 & 74-0404

Mr. James F. Stoddard
Route #1
Salmon, Idaho 83467

Dear Mr. Stoddard:

As you are aware, we holding the above referenced applications awaiting additional information as requested in previous letters. It was my understanding from conversations with you during January of this year at the Lemhi River Adjudication Hearings, that you wished to withhold further action on these application until the Lemhi River Adjudication was complete.

If this is what you wish to do, the Department will be happy to continue delaying the processing of the applications. However, if you do wish immediate action on the application, please provide re-executed documents as requested in the letter of November 2, 1973.

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

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

RECEIVED
MARCH 14 1974
DISTRICT ENGINEER
SALMON, IDAHO

1515 Lincoln Road

November 2, 1973

Re: Applications for Transfer of Water Right No. 74-0247, 74-0249 & 74-0404

Mr. & Mrs. James F. Stoddard
Route #1 Box 120
Salmon, Idaho 83467

Dear Mr. & Mrs. Stoddard:

I have re-executed the transfer forms pursuant to our discussion in Salmon last week. Review them, and if they meet with your approval, both husband and wife should sign the three transfers. Also, the three transfers should again be notarized.

You should also include a copy of the deed showing ownership of the land the water is being transferred from and a copy of the easement allowing access to the new point of diversion in Section 25.

Upon your re-submitting, the Department will re-evaluate, and advertise the transfers pending final action.

Should you require further assistance in this matter, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enclosures: 3 transfers

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 74-0249

Notice is hereby given that James F. &/or Jean L. Stoddard of Route 1 Box 120, Salmon, Idaho have applied to the Department of Water Administration for a change of place of use and another point of diversion of the waters of Agency Creek tributary to Lemhi River. The right sought to be changed is evidenced by decree to Joseph L. & Fred B. Pattee in case of Margaret Mahaffey -vs- Fred B. Pattee, dated Aug. 15, 1925 in 6th Judicial District Court, Lemhi County and is recorded as follows:

Amount: 1.90 c.f.s Priority: November 27, 1919

Decreed Point of Diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 19N, R. 24E, B.M.

The water is used for irrigation purposes within the E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 19N, R. 24E, B.M.; and to be used within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 17; NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20; NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 19N, R. 24E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before October 29, 1973.

R. KEITH HIGGINSON

Director

Published in the Recorder-Herald, Salmon, Idaho on October 11 and October 18, 1973.

RECORDED

NCY
9/28/73

NOTES ON TRANSFER 74-0249 (STODDARD)
(AGENCY CK)

(1) ORIGINAL DECREE FOR $W\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$,
 $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ SEC 17 T19N R24E
(ALL ON THE BAR).

FERRELL HERBST IS LISTED AS OWNING
 $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ SEC 17 BUT NONE
OF THIS LAND DESCRIPTION IS ON THE
BAR.

(2) IRRIGATED ACREAGE ON BAR
UNDER ABOVE DESCRIPTION IS 67.1.

(3) DECREE IS FOR 3.8 CFS; TRANSFER
IS FOR 1.9 CFS WHAT HAPPENS TO
THE PART NOT TRANSFERRED?

(4) NO LAND PRESENTLY CLAIMED AS
IRRIGATED IS BEING DROPPED. THIS
APPEARS SIMPLY TO BE AN EXPANSION
FROM THE PRESENT 70 OR 80 ACRES
TO 620 ACRES.

5
MICROFILMED

APPARENT DECREE	$3.8 \text{ cfs} / 67.1 \text{ A} = 0.0567 \text{ cfs/A}$
TRANSFER CLAIMS	$1.9 \text{ cfs} / 79.7 \text{ A} = 0.0238 \text{ cfs/A}$
IF ALLOWED	$1.9 \text{ cfs} / 620 = 0.0031 \text{ cfs/A}$

(6) HOW IS BLM LAND BEING ACQUIRED?

(2)

- (7) PLAT SHOWS NOTHING. REQUESTED P.D. LOCATIONS ARE ON LAND NOT OWNED BY STODDARD - SEC 28 LOCATION OWNED BY CLAUDE ALDER. SEC 25 LOCATION OWNED BY BLM. WILL NEED COPY OF AGREEMENT WITH BLM ~~IF~~ FOR TRANSFER IS APPROVED.
- 8) PIPELINE FROM SEC 28 P.D. MUST CROSS LAND OWNED BY RALSTON ADAMS. PIPELINE FROM SEC 25 P.D. MUST CROSS BLM LAND AND POSSIBLY PRIVATE LAND OWNED BY ADAMS & WILLIAM HERIST.
- 9) LOCATION OF PRESENT P.D. IS NOT LISTED OR SHOWN ON PLAT.
- 10) Lemhi Report Recommends as lost.

RECEIVED

1515 Lincoln Road

305

Department of Water Administration

March 7, 1974

Re: Application for Transfer of Water Right No. 74-0247, 74-0249 & 74-0404

Mr. James F. Stoddard
Route #1
Salmon, Idaho 83467

Dear Mr. Stoddard:

As you are aware, we holding the above referenced applications awaiting additional information as requested in previous letters. It was my understanding from conversations with you during January of this year at the Lemhi River Adjudication Hearings, that you wished to withhold further action on these application until the Lemhi River Adjudication was complete.

If this is what you wish to do, the Department will be happy to continue delaying the processing of the applications. However, if you do wish immediate action on the application, please provide re-executed documents as requested in the letter of November 2, 1973.

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

Very truly yours,

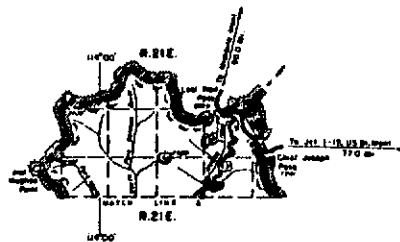
NORMAN C. YOUNG
District Engineer

NCY:mb

RECEIVED

Base Map No. 10, 1967

REVISIONS
1. 10/1/67
2. 10/1/67
3. 10/1/67
4. 10/1/67
5. 10/1/67
6. 10/1/67
7. 10/1/67
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9. 10/1/67
10. 10/1/67



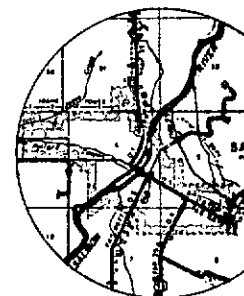
LEGEND

- | | |
|-----------------------------------|------------------------------------|
| Unimproved road | County Seat |
| Graded and drained road | Other cities and villages |
| Gravel road graded and drained | Incorporated city or village |
| Gravel road - no type | Picnic ground |
| Proposed road | Bathing beach or swimming pool |
| Private road (no name) | Camp site |
| Least roads within municipalities | Monument, historic site |
| Federal Aid Primary system | Camp or lodge |
| Federal Aid Secondary system | Mail (number of miles) |
| National Forest Highway | Trailer park (number of miles) |
| U.S. numbered highway | Hotel or inn |
| State numbered highway | Passenger station |
| End of marked route | Guard station |
| End of Federal Aid system | Promenade park and lookout tower |
| End of National Forest Highway | Drive-in theater |
| Distance marked between points | Pipe unit (in miles) (see note) |
| Gate across road | Quarry (in miles) (see note) |
| Intermittent stream | Group of dwellings |
| Normal stream | Post Office |
| Wide stream | Filling station |
| Levee, reservoir or pond | Gasoline, business filling station |
| Boiling | Store or small business |
| Irrigation canal | Business and Post Office |
| Aqueduct tunnel or siphon | Business and filling station |
| Dam | Sanatorium building |
| Minor structure (200 ft. max.) | Seasonal dwelling, usually spaced |
| General bridge (see note) | Chapel |
| General bridge (see note) | School (in miles) (see note) |
| Truss bridge (see note) | Highway garage |
| Arch bridge | Fresh Air Farm or Rest Home |
| Promenade elevation, battle | Roadside eating (see note) |
| Mountain or ridge | State (see note) |
| Mountain peak | Group of storage tanks (see note) |
| Road through canyon | Transmission line |
| Cable grade | Power substation |
| Grade line | Road ramp or interchange station |
| County line | Seismic |
| Township line | Stock yard, commercial |
| Unimproved Township line | Gravel pit |
| Section line | Grass, dry ground |
| Unimproved section line | Jeepers (see note) |
| Water line | Culture shown out of position |
| Post boundary line | Religiosity station |
| | Continued and Marginalia |
| | August, United States |



GENERAL HIGHWAY MAP
LEMH I COUNT
IDAHO

SCALE
1968
POLYCONIC PROJECTION



SALMON & VICINITY

1:10,000, R.21E & R.22E

SCALE IN MILES

1:10,000, R.21E & R.22E

SCALE IN MILES

1:10,000, R.21E & R.22E

SCALE IN MILES

1:10,000, R.21E & R.22E

SCALE IN MILES

1:10,000, R.21E & R.22E

SCALE IN MILES

1:10,000, R.21E & R.22E

SCALE IN MILES

1:10,000, R.21E & R.22E

SCALE IN MILES

1:10,000, R.21E & R.22E

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SCALE IN MILES

1:10,000, R.21E & R.22E

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