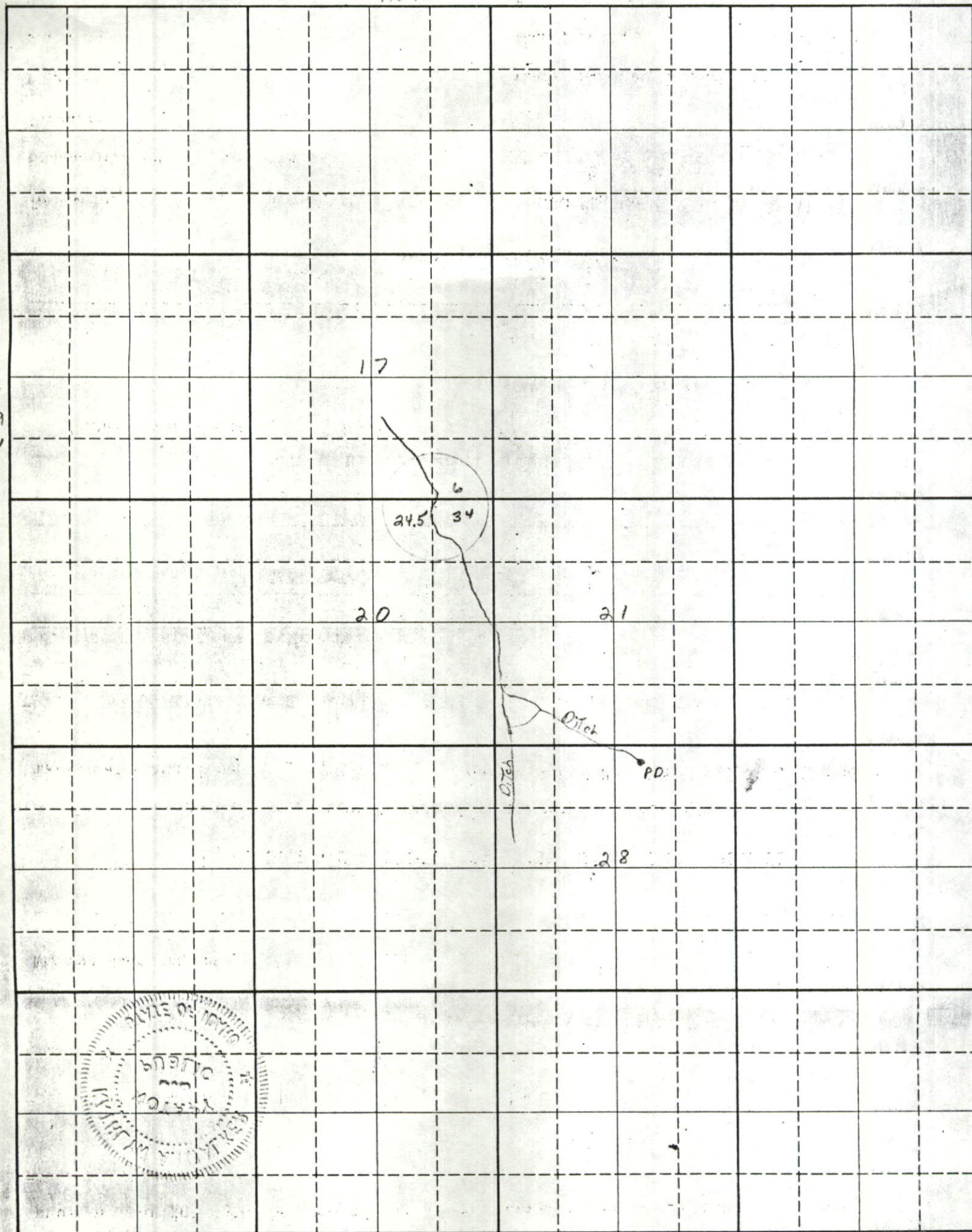


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R24E



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

MICROFILMED

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

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

APPROVED

Name of applicant 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 rights

a. Decree to Stoddard, James F. &/or Jean L.

(Name)

in case of State of Idahovs Adams, Mary etc. defendants et al.

U.S. Dist. 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 Agency Creek tributary to Lemhi River4. Date of priority 74-0247(5/26/1873) 74-0248 (11/3/1907)

5. Water is used for the following purposes:

74-0247 amount 1.20 cfs for irrigation purposes from 4/1 to 11/174-0248 amount 0.80 cfs for irrigation purposes from 4/1 to 11/1

amount _____ for _____ purposes from _____ to _____

(month/day -- both dates inclusive)

6. Total amount of water under right: a. 2.0 cubic feet per secondb. _____ &/or
acre feet per annum7. Location of original point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28Township 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 $\frac{1}{4}$	
74-0247																			
19N	24E	20	6.2			25.4									32.6	0.3			64.5
74-0248																			
19N	24E	20	6.2			25.4									32.6	0.3			64.5

Total number of acres to be irrigated 64.5

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).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

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	

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 _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
 - c. Description of diverting works Headgate, ditches, pump & sprinkler system.
 - d. Describe the reasons for applying for a change in the point(s) of diversion _____

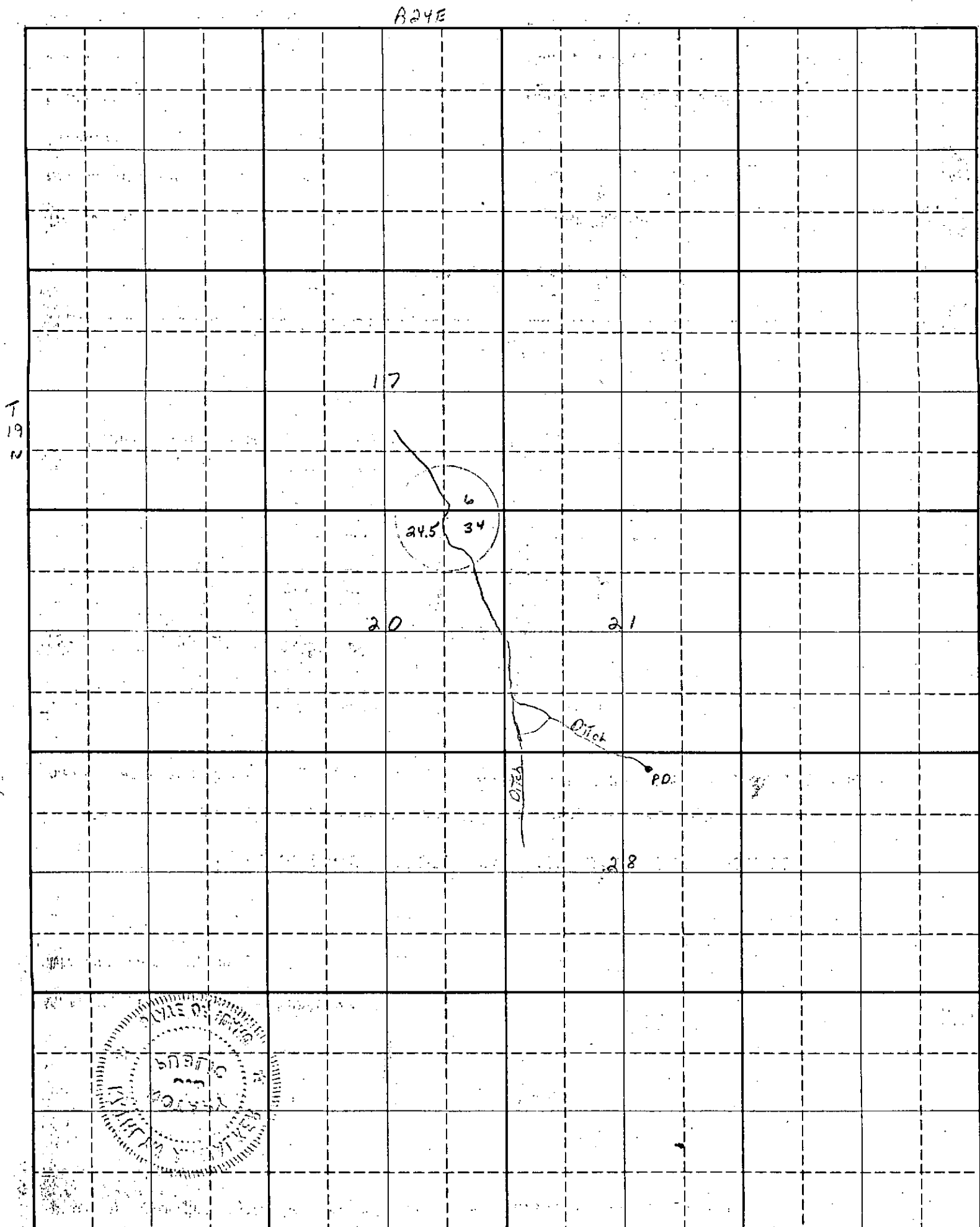
2. Change in place of use

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

TWP.	RANGE	SEC.	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																6	6
		20	34.	24.5															58.5

Total number of acres to be irrigated 64.5

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

4. 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, 1982.

James H. Haddard
(Signature of applicant)

Kathleen 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. 74-0247 & 74-0248 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 right is subject to control by the watermaster of State Water District No. 74-M, Agency Creek.

Witness my hand this 3rd day of May, 19 82.

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>EMC.</u>	Date <u>12-15-1980.</u>	Protest filed by <u>M. J. Chamberlain</u>
Prelim. check by _____	Fee <u>50.</u>	<u>Gloria A. Clark</u>
Receipted by <u>kw</u>	Date <u>12/15/80 #16124</u>	
Published in <u>Recorder-Herald</u>	Copies of protest forwarded by _____	
Pub. dates <u>1/15 & 1/22/81</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>11-10-81</u>	Recommended for <u>approval</u> denial	
rec'd. <u>2-02-82</u>	by <u>Juni DPT</u>	

1925-2-2 Agency

74-m

①

engaged and lost in THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COURT in the matter wherein THE COUNTY OF LEMHI.

MARGARET MAHAFFEY, and
PIONEER BANK & TRUST
COMPANY, A CORPORATION,
Plaintiffs,

vs. FRED B. PATTEE, JOSEPH L. PATTEE,
SETH A. BALL, and FRANK SHARKEY,
Defendants,

Trans Noted

vs. FRED B. PATTEE, JOSEPH L. PATTEE, SETH A. BALL, and FRANK SHARKEY, Defendants.

This cause came regularly to be heard in open Court at the April 1925, term thereof, E. H. Casterlin, Esq., and Messrs. Whitcomb, Cowen & Clark appeared as counsel for the plaintiff, and Messrs. Burleigh & Glendon appeared as counsel for the defendants, Fred B. Pattee, Joseph L. Pattee, and Frank Sharkey, the defendant, Seth A. Ball making no appearance, either in person or by counsel, his default was duly ordered and entered. Thereupon testimony and documentary proof was introduced and submitted on the part of the respective parties hereto, and the case was submitted to the Court thereon for final determination, and after duly considering the same, and being fully advised in the premises, the Court files his Findings of Fact and Conclusions of Law in writing, and orders that judgment be entered therein in accordance therewith.

WHEREFORE, by reason of the law, and the Findings of Fact and Conclusions of Law aforesaid, IT IS ORDERED, ADJUDGED AND DECREED:

That the plaintiffs, Pioneer Bank and Trust Company and Margaret Mahaffey, have legally adversed and acquired by prescriptive use the possession and title to the use and flow of 190 inches, or 3.8 cubic feet per second in time of the flow of the waters of Agency Creek, Lemhi County, Idaho, particularly designated as follows: 90 inches, or 1.8 cubic feet per second in time, of the 150 inches originally decreed to Henriette Pattee with date of priority May 26, 1873, 80 inches, or 1.6 cubic feet per second in time, in the same decree awarded to Joseph L. Pattee with date of priority January 11, 1908, and 20 inches, or .4 cubic feet per second in time, of the 35 inches in the same decree awarded to Fred B. Pattee, with date of priority October 1, 1909, and the title of the

74-0247
74-0241

Trans 593

74-0245
74-0242

Trans 594

74-0246

defendants, Joseph L. Pattee and Fred B. Pattee thereto therein has been extinguished and lost; that the said original decree was rendered by the above entitled Court in the action wherein Henrietta Pattee et al., were plaintiffs, and William M. Carpenter, et al., were defendants, and was dated August 29, 1914, and recorded in the office of the Clerk of said Court on December 14, 1914, in Book "B" of Judgments at pages 181 and 182, records of said Lemhi County.

11.

That of the use and flow of the waters so acquired by plaintiffs, the Pioneer Bank & Trust Company is entitled to the use and flow of 90 inches, of 1.8 cubic feet per second in time, in said decree awarded to said Henrietta Pattee with priority dated May 26, 1873, and 5 inches, or .1 cubic feet per second in time, of the use and flow of the water in said decree awarded to Joseph L. Pattee with priority dated January 11, 1908, all of said water to be used for the irrigation of the South Half of the Southwest Quarter of Section Twenty-one (21) and the North Half of the Northwest Quarter of Section Twenty-eight (28) all Township Nineteen (19) North, Range Twenty-four (24), East of the Boise Meridian, in said Lemhi County. 74 0243
Trans # 593
74 0244
Trans # 594

111.

That of the use and flow of the waters so acquired by plaintiffs, Margaret Mahaffey is entitled to the use and flow of 75 inches, of 1.5 cubic feet per second in time, being the remainder of the water in said decree awarded to Joseph L. Pattee, with priority dated January 11, 1908, and is entitled to the use and flow of 20 inches, of .4 cubic feet per second in time, being a part of the 35 inches of the waters in said decree awarded to Fred B. Pattee, with priority dated October 1, 1909, all of said water to be used for the irrigation of the South Half of the Northeast Quarter, and the North Half of the Southeast Quarter of Section Twenty-nine (29) in Township Nineteen (19) North, Range Twenty-four (24) East of Boise Meridian, in said Lemhi County. 74 0245
74 0246

IV.

That the defendants, Joseph L. Pattee and Fred B. Pattee, as successors in interest of Henrietta Pattee, and by virtue of said decree, are entitled to the use and flow of 60 inches, of 1.2 cubic feet per second of time, being the remainder of the 150 inches of water in said decree awarded to Henrietta Pattee, with priority dated May 26, 1873, and are entitled to the use and flow of 40 inches, or .8 cubic feet per second in time, of the water in said decree awarded to said Henrietta Pattee, with date of priority November 3, 1907, all of said water to be used for irrigating that part of said defendants' bar land so called, to which it was awarded in said decree, that the said defendants, Joseph L. Pattee and Fred B. Pattee, are further entitled to the use and flow 74 0247
Trans # 200
74 0248

WATER RIGHT NUMBER 74-0248

OWNER LAST NAME - PATTEE
OWNER LAST NAME - STODDARD
ADDRESS LINE 1 - RT. 1 BOX 120
ADDRESS LINE 3 -

ADDRESS LINE 2 -
CITY - SALMON

FIRST NAME - HENRIETTA
FIRST NAME - JAMES F.

ORIG OWNER - D
ORIG OWNER -

STATE - ID ZIP CODE - 83467

SOURCE - AGENCY CREEK
STAGE - DECREE

TRIBUTARY OF - LEMHI RIVER

STATUS -

PRIORITY - 11-03-1907 COUNTY - LEMHI

TOTAL DIV. RATE - .8000 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND -

WATER DIST. - 74M DLE/CAREY ACT -

RIGHT BASIS - B

DIVERSION POINT - NWNE 28 19N 24E LOT

REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

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

USE DIV. RATE -

.8000

CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

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

AC 06

USE - IRRIGATION

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

AC 34 TRACT NWNE LOT

AC 24

DECREE NAME -

DATE -

TOTAL ACRES

64

REMARKS - AC. IRR.=64.5.

TRANS. 2509.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE -

FLO EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

IDENT. NO. 74 0248

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT NUMBER 74-0248

OWNER LAST NAME - *Pattee* STODDARD

X → OWNER LAST NAME - STODDARD

ADDRESS LINE 1 - RT. 1 *Box 120*

ADDRESS LINE 3 -

SOURCE - AGENCY CREEK

STAGE - DECREE

TOTAL DIV. VOLUME -

DIVERSION POINT - NWNE 28 19N 24E LOT REDIV -

FROM - ~~03-15~~ TO - ~~11-15~~ USE - IRRIGATION

USE - IRRIGATION 11-1

DECREE NAME -

REMARKS - AC. IRR.=64.5. *TRANS. 2509.*

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

FIRST NAME - *Henrietta* JAMES F.

FIRST NAME - JEAN L.

ORIG OWNER -

ORIG OWNER -

ADDRESS LINE 2 -

CITY - SALMON

STATE - ID ZIP CODE - 83467

TRIBUTARY OF - LEMHI RIVER

PRIORITY - 11-03-1907 COUNTY - LEMHI

TOTAL DIV. RATE - .8000 -CFS

WATER DIST. - *74M* DLE/CAREY ACT -

RIGHT BASIS - B

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. RATE - .8000 CFS USE DIV. VOLUME - .00 AFA

PLACE OF USE - TWN 19N RNG 24E SEC 20 TRACT NENE LOT AC 06 TRACT SENE LOT AC 25

TRACT NESE LOT AC 33 TRACT NWSE LOT AC 01

DATE -

TOTAL ACRES 65

PROTESTED -

HEARING -

OLD NO. -

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 4/30/1982

TO File 74-0248

SUBJECT Transfer No. 2509

See File 74-0247 for all correspondence regarding Transfer No. 2509.

REPRODUCTION

SIGNATURE