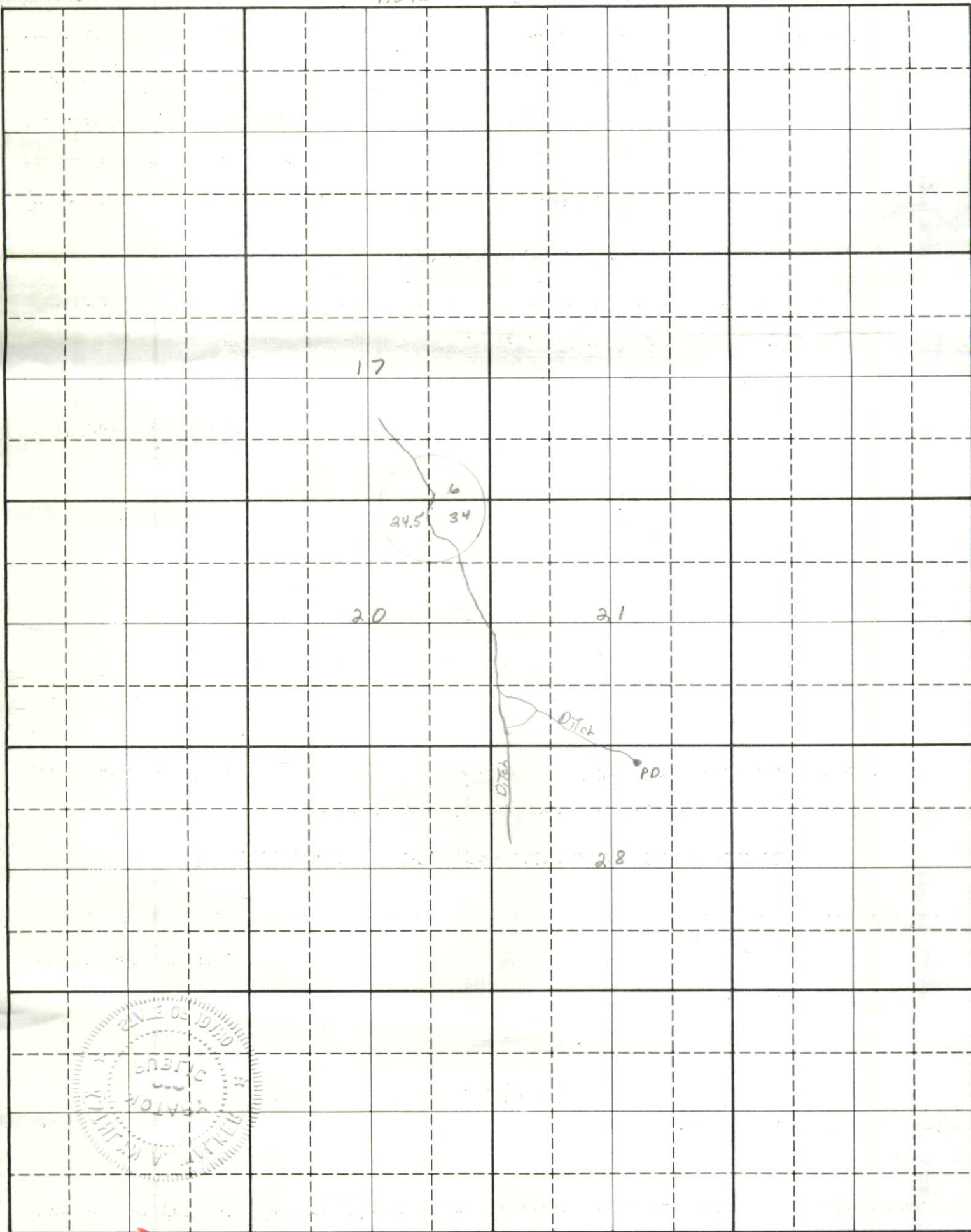


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R24E

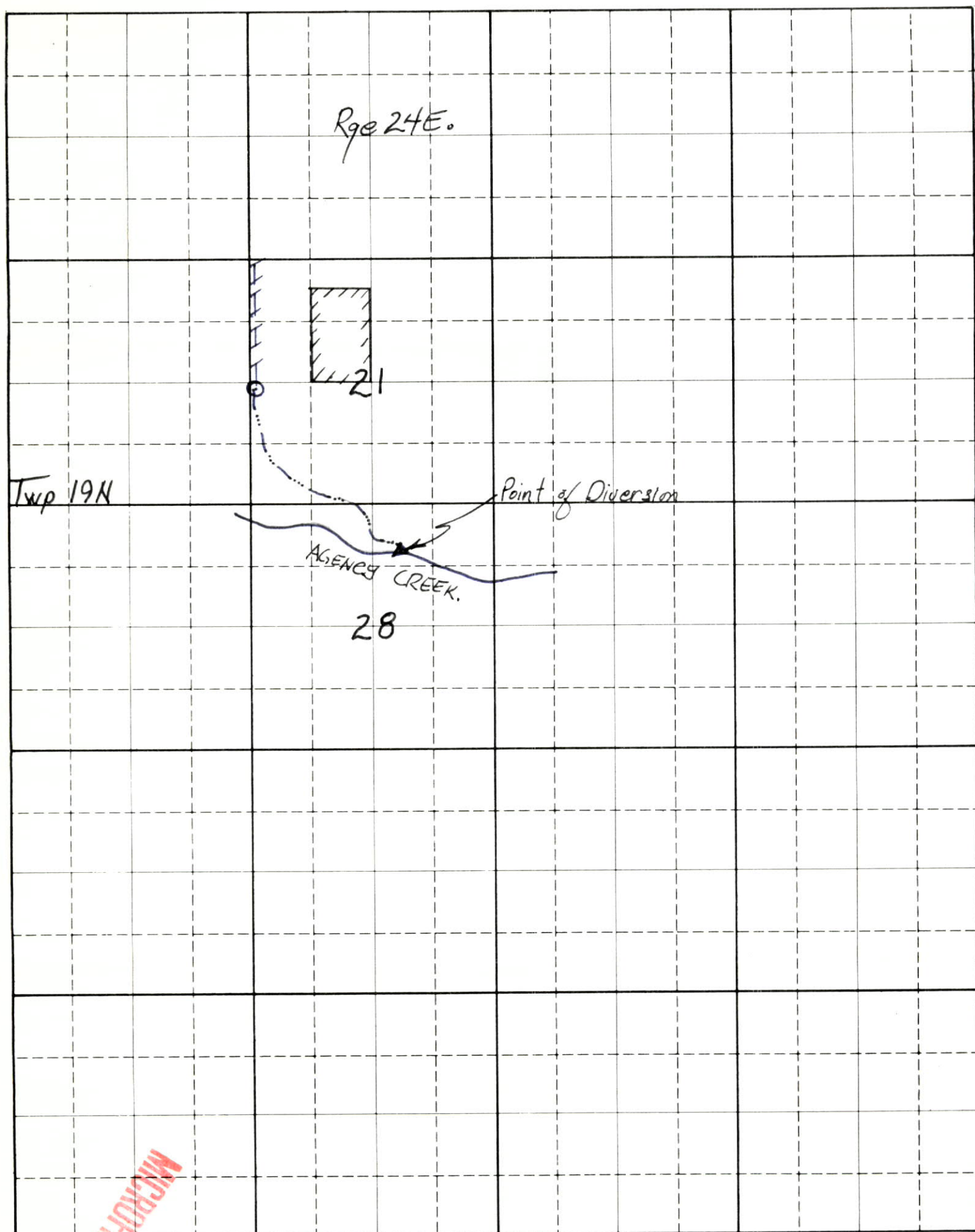
T
19
N



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

REPROFILMED

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.

NOTICE OF PROPOSED
AMENDING OF
TRANSFER

NO. 74-0247/0248

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

No. 74-0247 - AMOUNT
1.20 cfs PRIORITY: May
26, 1873

No. 74-0248 - AMOUNT
0.80 cfs PRIORITY: Nov.
3, 1907

DECREED POINT OF
DIVERSION: NWNE,
Sec. 28, T. 19N, R. 24E,
B.M., Lemhi County; to
irrigate 64.5 acres within
the E½NE¼, N½SE¼,
Sec. 20, T. 19N, R. 24E
from Apr. 1 to Nov. 1.
The right holder request-
ed the transfer to change
the place of use to SESE,
Sec. 17, N½NE¼, Sec.
20, T. 19N, R. 24E, B.M.

The right holder now
proposes to amend this
transfer amending the
place of use to the E½-
NW¼, Sec. 21, T. 19N, R.
24E, B.M.

Any protest to the pro-
posed amending to Trans-
fer No. 74-0247/0248
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 Re-
corder-Herald, Salmon,
Idaho, on April 9 and 16,
1981.

4-9-2tc

Affidavit of Publication

RECEIVED

STATE OF IDAHO

County of Lemhi

ss.

APR 20 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 for Transfer of Rights

74-0247/0248 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

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

Publication Fee \$ 17.28

MICROFILMED

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT

NO. 74-0247/0248

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 Agency Creek tributary to Lemhi River. 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: 74-0247

Amount: 1.20 cfs
Priority: May 26, 1873
74-0248

Amount: 0.80 cfs
Priority: November 3, 1907

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

The water is used to irrigate 64.5 acres within the E 1/2 NE 1/4, N 1/2 SE 1/4, Sec. 20, T. 19N, R. 24E, from April 1 to November 1.

TO BE CHANGED AS
FOLLOWS

The water will be used to irrigate 64.5 acres within the SESE, Sec. 17; N 1/2 NE 1/4, Sec. 20; 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 and 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,

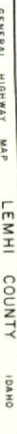
That the Notice of Proposed Change of Water Right 74-0247/0248

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.

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

Publication Fee \$ 22.69



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 Idaho vs Adams, Mary etc. defendants et al.
dated Nov. 1, 1971 in U.S. Dist. Court
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 11/1
74-0248 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 second
&/or
b. _____ acre feet per annum7. 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 $\frac{1}{4}$	
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 _____ 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, pump & sprinkler system.
- d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use

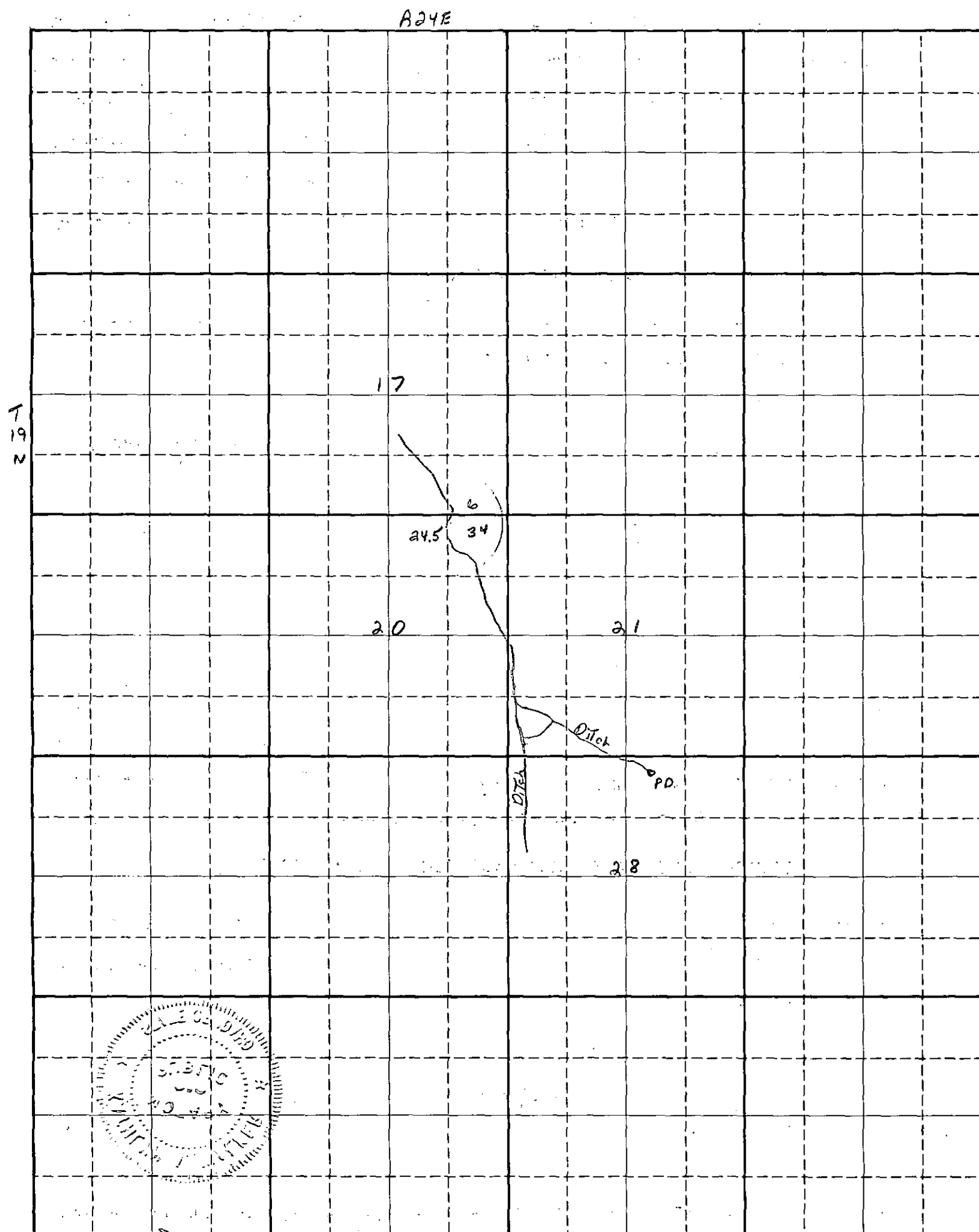
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19N	24E	17																6	6
		20	34.	24.5															58.5

Total number of acres to be irrigated 64.5

NOT RECORDED

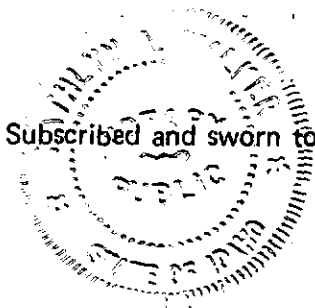
3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

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

1980

(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

3

rd day of

May

19 82

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by EMC Date 12-15-1980

Protest filed by M. J. Chamberlain

Prelim. check by _____ Fee 50

Lloyd A. Clark

Receipted by EMC Date 12/15/80 #16124

Published in Recorder-Herald

Copies of protest forwarded by _____

Pub. dates 1/15 & 1/22/81

Hearing held by _____ Date _____

Watermaster recommendation requested on 11-10-81

Recommended for approval denial

rec'd. 2-02-82

by Juni DRT

IN THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

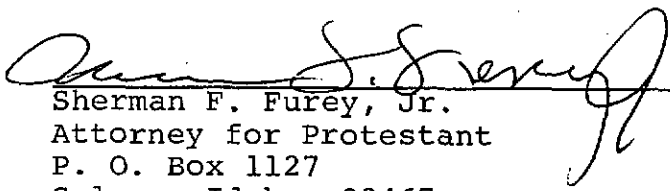
In the Matter of the Application)
to Change the Place of Use of)
JAMES STODDARD, Salmon, Idaho) P R O T E S T
No. 74-0247/0248)

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 1974

Department of Water Resources
Eastern District Office

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

RECEIVED

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

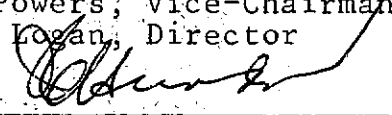
RE: Proposed Change of Water Right
No. 74-0404/0249
No. 74-0247/0248

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

RECEIVED

RECEIVED

FEB 2 1981

Department of Water Resources
Eastern District Office

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

To:

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

RECEIVED

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 T. 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 Decreed 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., R24E. 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 2, 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 1/2 NW 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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~~and~~ 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 $E\frac{1}{2}$ SE⁴ Sec. 17 that was patented 10/19/54 in name of Fred B. Pattee and shown Book 45 p. 26 Lemhi County records and the Desert Entry land already mentioned. These were all lands (State land, 1954 Pattee land and B.F.M. land) not owned by the Patter 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

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAMENDED **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 756-2404Post 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 Idaho vs Adams, Mary etc. defendants
dated Nov. 1, 1971 in 7th Judicial Dist. county of Lemhi et al.
(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 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 11/1
74-0248 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 second
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 $\frac{1}{4}$	
74-0247	19N	24E	20	6.2			25.4								32.6	.3			64.5
74-0248	19N	24E	20	6.2			25.4								32.6	.3			64.5

Total number of acres to be irrigated 64.5

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

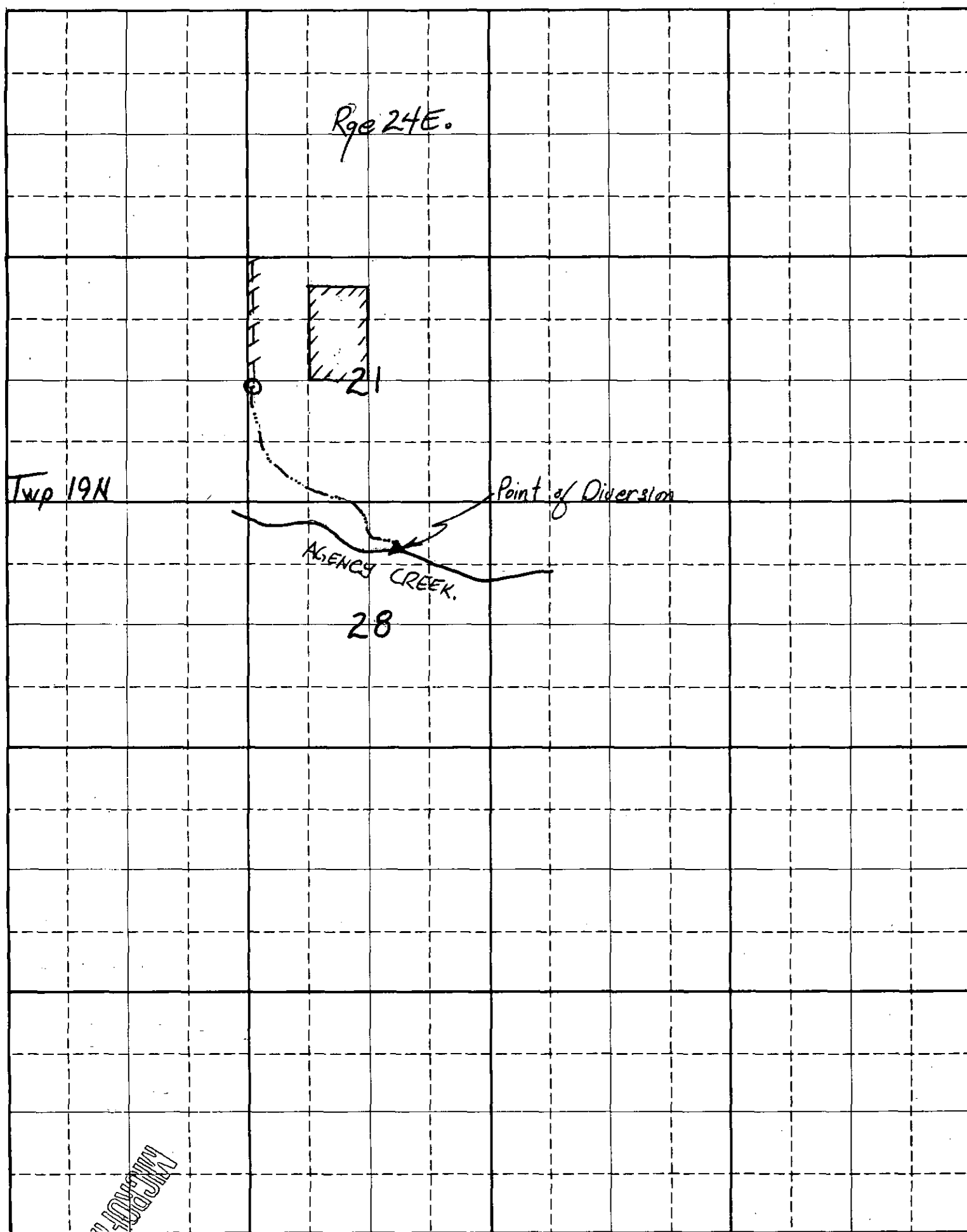
2. Change in place of use

- 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	21					24.5			40									64.5

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.

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.

James Stoddard
(Signature of applicant)

Subscribed and sworn to before me this 18 day of March, 19 81.

John L. 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 KW Date 3/20/81 Protest filed by Lemhi-Irrigation-Dist.
Prelim. check by _____ Fee 20.00 amend Sherman-Furey-for-Mr.-J.-Chamberlain-&-
Receipted by KW Date 4/1/81 #17149 Lloyd-A.-Clark- PROTESTS WITHDRAWN
Published in Recorder-Nerald Copies of protest forwarded by CW
Pub. dates 4/9 & 4/16/81 Hearing held by _____ Date _____
Watermaster recommendation requested on 1/14/81 Recommended for approval denial
_____ rec'd. _____ by EMC

NOTICE OF PROPOSED
AMENDING OF
TRANSFER

NO. 74-0247/0248

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

No. 74-0247 - AMOUNT
1.20 cfs PRIORITY: May
26, 1873

No. 74-0248 - AMOUNT
0.80 cfs PRIORITY: Nov.
3, 1907

DECREED POINT OF
DIVERSION: NWNE,
Sec. 28, T. 19N, R. 24E,
B.M., Lemhi County; to
irrigate 64.5 acres within
the E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 20, T. 19N, R. 24E
from Apr. 1 to Nov. 1.
The right holder request-
ed the transfer to change
the place of use to SESE,
Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec.
20, T. 19N, R. 24E, B.M.

The right holder now
proposes to amend this
transfer amending the
place of use to the E $\frac{1}{2}$ -
NW $\frac{1}{4}$, Sec. 21, T. 19N, R.
24E, B.M.

Any protest to the pro-
posed amending to Trans-
fer No. 74-0247/0248
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 Re-
corder-Herald, Salmon,
Idaho, on April 9 and 16,
1981.

4-9-2tc

Affidavit of Publication

RECEIVED

STATE OF IDAHO

County of Lemhi

ss.

APR 20 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 for Transfer of Rights

74-0247/0248

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

Terrell Armstrong

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

Publication Fee \$ 17.28

MICROFILMED



John V. Evans
Governor

C. Stephen Allred
Director

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

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

NOTICE OF PROPOSED AMENDING OF TRANSFER

NO. 74-0247/0248

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

No. 74-0247 - AMOUNT
1.20 cfs PRIORITY: May
26, 1873

No. 74-0248 - AMOUNT
0.80 cfs PRIORITY: Nov.
3, 1907

DECREED POINT OF
DIVERSION: NWNE,
Sec. 28, T. 19N, R. 24E,
B.M., Lemhi County; to
irrigate 64.5 acres within
the E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 20, T. 19N, R. 24E
from Apr. 1 to Nov. 1.

The right holder request-
ed the transfer to change
the place of use to SESE,
Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec.
20, T. 19N, R. 24E, B.M.

The right holder now
proposes to amend this
transfer amending the
place of use to the E $\frac{1}{2}$ -
NW $\frac{1}{4}$, Sec. 21, T. 19N, R.
24E, B.M.

Any protest to the pro-
posed amending to Trans-
fer No. 74-0247/0248
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 Re-
corder-Herald, Salmon,
Idaho, on April 9 and 16,
1981.

4-9-2tc

RECEIVED

RECEIVED

APR 8 1981

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT
NO: 74-0247/0248

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 Agency Creek tributary to Lemhi River. 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: 74-0247

Amount: 1.20 cfs
Priority: May 26, 1873
74-0248

Amount: 0.80 cfs
Priority: November 3, 1907

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

The water is used to irrigate 64.5 acres within the E $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, from April 1 to November 1.

TO BE CHANGED AS
FOLLOWS

The water will be used to irrigate 64.5 acres within the SESE, Sec. 17; N $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20; 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 and 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 of Water Right 74-0247/0248

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.

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

Publication Fee \$ 22.69

Identification No. T 2004Transfer No. 74-0247

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

Withdrawn

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

- Name of Right Holder JAMES F +/OR JEAN L. STODDARD
Post office address Rt #1 Box 120, SALMON IDAHO 83467
- Right obtained by:
 - Decree to Joseph L. & Fred B. Pattee in Case of MARGARET MAHAFFEY, et al
(Name) vs FRED B. PATTEE, et al, Dated Aug 15, 1925 in 6TH DISTRICT
(Name of Court) Court, County of Lemhi
 - License No. _____ issued by the State of Idaho, Department of Reclamation.
- Source of water AGENCY CREEK tributary to Lemhi River
(Name of stream or source)
- Date of Priority 5-26-1873
- Amount of water
 - 1.20 c.f.s. and/or
 - _____ acre feet/annum
- Water is used for IRRIGATION from Apr. 1 to Nov. 1
(Month, Day) (Month, Day)
- 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
- 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 $\frac{1}{4}$		
Desired place of use																				
19N	24E	17			X				X							X	X			
Present place of use																				
19N	24E	17			23											18	30	3	74	
19N	24E	20	6.2		25.4				2	10				32.6	.3				64.5	
			15	38	36	38								40	40				219	

Total number of acres presently irrigated 293

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

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1.20 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. 1/4 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
		20	40	37	3 1/2	40									38	39			230
		21						40	40										80
								End Lot 4	End Lot 5										

Total number of acres to be irrigated 460

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: 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 _____

Transfer No. 74-0247 (Part)

756-2401

8. Lands presently irrigated or place of use:

Total number of acres presently irrigated 79.7

DECLASSIFIED

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: 0.60 c.f.s. and/or acre feet
- b. New point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 19 N
 , Range 24 E, B.M. $\times$ NW⁴ NE⁴ - 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
diversion ($\approx$ 3 $\frac{1}{2}$ miles 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 $\frac{1}{4}$				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 N	24 E	16											40			lat 4 Makoffay			40	✓	
		17			8											40	35	27	40	150	✓
		20	40	37	36	40										38	39			230	✓
		21					40	40	40	40	40									200	✓

B.L.M.

Total number of acres to be irrigated 620

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: 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 W. Stoddard
(signature of applicant)

Subscribed and sworn to before me this 26th day of September, 1975

Blaine 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 mit Date 9-27-73
9-25-73

Prelim. check by 1992 Date 26 Sept 73

Fees received by ej Date 9/26/73 Fee \$ 30⁰⁰

Approved for publication by _____

Published in Leader Herald Dates Oct 11 + 18, 1973

Hearing held _____

Watermaster Recommendation sent Dict 74-11 (Frank Jones) - sub 10/3/73

Protest filed by: _____ Date _____

Application
Withdrawn
12-16-1980

RECEIVED
OCT 10 1973

WATER RIGHT NUMBER 74-0247

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

ADDRESS LINE 2 -

CITY - SALMON

STATE - ID ZIP CODE - 83467

TRIBUTARY OF - LEMHI RIVER

SOURCE - AGENCY CREEK

STAGE - DECREE

STATUS -

PRIORITY - 05-26-1873 COUNTY - LEMHI

TOTAL DIV. RATE - 1.2000 -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 0.0

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

USE DIV. RATE -

1.2000 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 - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

3/83

IDENT. NO. 74 0247

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG[illegible]

May 6, 1982

RE: Water Rights Nos. 74-0247 and 74-0248

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 rights (Transfer No. 2509). Be sure to note the conditions of approval on the fourth page.

Sincerely,

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

DRT:kw
Enclosure

UNRECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

1. Right number _____ 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.

copy to
SO 4/7

5. Amount of land &/or water transferred:

- (a) ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- (c) ☒ Check description of point(s) of diversion. No change
- (d) ☒ Check description of place of use. 4/27
- (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) None found

- j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 74 Lemhi dist. - (74M - Agency Cr.)

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

Conditions* ① Measuring device ② Watermaster control, Water District 74.

4. By Ernest Carlson Date Oct 28, 1981.

Jan 4/29/82 use above conditions Feb 2, 1982.

* All uses within Watermaster Districts require special conditions.

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 D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129

IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

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

APR 26 1982

Department of Water Resources

April 23, 1982

Mr. Jim Johnson
Water Distribution Supervisor
State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho 83720

RE: Application for Transfer of Water Rights
No. 74-0247 and 74-0248

Dear Mr. Johnson:

When this application for transfer was submitted, it was part of a package of applications for transfer and for permit. Since those appear to have become separated during processing, we do not wonder that there might be some confusion.

Our client purchased a ranch from James F. Stoddard last year about this time. Prior to the purchase, Stoddard had applied for permits and transfers, but many of those were changed as a result of the purchase. In April, 1981, the final package was submitted which included applications for transfer of rights numbers 0247/0248 and numbers 0404/0249 as well as applications for permit numbers 74-7092, 74-7093 and 74-7094. One hearing was held on objections to all of these matters last October and all protests were withdrawn.

If you were to refer to this list of applications for transfer and permit, you would have a complete list of all of the rights appurtenant to the Stoddard farm, as well as where the water is to be used. Except for the fact that no water has yet been diverted under the proposed 1980 priorities, the land presently being irrigated is as shown in the documents. None of the rest of the land is presently being irrigated.

RECEIVED
MAY 1 1982

Mr. Jim Johnson
April 23, 1982
Page Two

If you need any further information, please feel
free to call upon us.

Yours very truly,

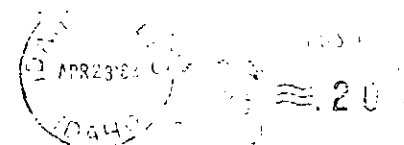
A handwritten signature in cursive script, appearing to read "Kent W. Foster".

Kent W. Foster

KWF:kc

MICROFILMED

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. BOX 129
IDAHO FALLS, IDAHO 83401



Mr. Jim Johnson
Water Distribution Supervisor
State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho 83720

MICROFILMED

April 19, 1982

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

RE: Applications for Transfer of Water Rights Nos. 74-0247 and 74-0248

Dear Mr. Foster:

According to the information contained in Application for Transfer No. 2509 for change of place of use on Water Rights 74-0247 and 74-0248, you are representing Mrs. Carol B. Sells, the purchaser of the property previously owned by James Stoddard.

This office is presently reviewing said Application for Transfer (copy enclosed). In order to complete the review we must request information that describes what is being done with the land that this transfer is removing the water from. Is it still being irrigated and if it is from what water right?

Please provide this information by May 15, 1982. If you have any questions please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

cc: Carol B. Sells

MICROFILMED

RECEIVED

FEB 2 1982

Department of Water Resources
Eastern District Office

Identification No. 74-0247/0248

Transfer No. 2509

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ivan Jones, watermaster of _____,
of Water District No. 74-M, County of Lemhi, State of Idaho,
whose address is Box 28, Tendoy, Idaho 83468,
have read the attached copy of the application for transfer of water right for
James Stoddard, and to the best of my knowledge believe the
(name)
application to be true.

xxx A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

None

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Tendoy, Idaho, this _____ day of January, 1982.

Ivan Jones
(Signature)
Ivan Jones

RECEIVED

January 4, 1982

Ivan Jones, Watermaster
WD# 74-M
Box 28
Tendoy, Id. 83468

RE: Application for Transfer 74-0247/0248

Dear Mr. Jones:

Since we have not received your watermaster recommendation on the above captioned application for transfer which was forwarded to you on November 10, 1981, enclosed please find a copy of the application and another watermaster recommendation form.

As watermaster of Agency Creek you are required under section 42-222 of the Idaho Code to complete the recommendation form and return it to this Department. Since advertising of the application is completed, I urge you to give this matter your immediate attention.

Respectfully submitted,

ERNEST M. CARLSEN
Asst. Regional Supervisor

EMC:brs

enc: as stated

Ivan Jones, Watermaster
W.D.#74-M
Box 28
Tendoy, Idaho 83468

Dear Mr. Jones:

Thank you for your cooperation in this matter.

ERNEST M. CARLSEN
Asst. Regional Supervisor

enc: as stated

1944

756-3825

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

RECEIVED
NOV 11 1981

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

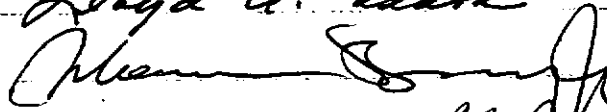
RECEIVED
NOV 11 1981

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 -

RECORDED

Combined Hearing.

10-28-81

- Transfer No. 74-0404/²⁴⁹~~0429~~
Transfer No. 74-0247/0248
Application # 74-7092
Application 74-7094.

Applicant -

James Stoddard - represented by James Herndon.
Carol B Sells - " " Kent Foster.

Protestants -

Ivan Jones. } represented by Sherman Furg.
M. J. Chamberlain }

Loyd Clark -

I - Applications 74-7092 & 74-7094

Ivan Jones - protested on basis that Company River Ditch is not large enough to carry additional amounts.

Transfers 74-0404/²⁴⁹~~0429~~.

M. J. Chamberlain - protested because of possibility that there would be additional demand ^{0404/}on 0429 ~~as~~ as a result of transfer.

Loyd Clark - protested because 74-0249 ^{was} ~~has~~ not been used by applicant prior to installation of sprinkler system. Feels right has been lost thru non-use.

MICROFILMED

STATE OF IDAHO
STATE LAND LEASE

C-9622

This agreement of lease, made and entered into this 22nd day of August, 1978, by and between the State of Idaho, acting by and through its State Board of Land Commissioners, the party of the first part, hereinafter called the lessor, and Frank Stoddard of Salmon, ID 83467 party or parties of the second part, hereinafter called the lessee, witness:

That the lessor, for and in consideration of the rental paid or to be paid and the covenants, conditions and restrictions hereinafter set forth and to be observed by the lessee, does hereby lease and demise unto the lessee the exclusive right and privilege to possess and use in the manner and for the purpose hereinafter contained the following lands, lying and situate in the County of Lemhi

Subdivision

Section

Township

Range B.M.

Part of Lot 3(21.675 acres described as
S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 4(43.53 acres described as
SW $\frac{1}{4}$ SW $\frac{1}{4}$)

16

19N

24E

Pub

containing 65.205 acres, together with the right to use and occupy so much of the surface of said lands as may be required for all purposes reasonably incident to said lease, from the date of this lease to the 31st day of December 1983, subject, however, to the covenants, conditions and restrictions hereinafter contained.

In consideration of the foregoing the following covenants, restrictions and conditions are hereby agreed to between the lessee and the lessor.

1. USE OF LAND

That the lands herein described and demised and let to the lessee shall be used for the purpose of grazing and farming in the following proportions:

Grazing, Wasteland 17.205 acres

Farming, Dryland 48.00 acres

The lands leased for grazing purposes shall not be planted to any crop or crops, nor shall said lands be tilled or farmed without the written consent of the Director, Department of Lands, hereinafter referred to as Director, provided, however, that upon application by said lessee or any other party interested, the Director may reclassify said lands as farm lands and may lease the same as such, to give a preferential right to the lessee in possession upon such increase of rental as may be fair and equitable.

2. RATE OF RENTAL

To pay to the lessor in lawful money of the United States at the office of the Director, Department of Lands of the State of Idaho, each year's rental in advance and prior to the legal possession of the property for such year, an annual rental for each acre covered by this lease, the sum of 18¢ per acre per annum for grazing and the sum of \$8.00 per acre per annum for farming land; that said rental shall be payable on or before January 1 each year except where an extension has been granted by the State Board of Land Commissioners in the manner provided by law and in case of such extension it is agreed by and between the parties hereto that the State shall have a first lien on all crops sown, growing, grown or harvested on or from the lands hereby leased as provided by law. It is understood and agreed by the lessee that he will not attempt to create any lien on said crops with the intent and purpose of making said lien equal or senior to the lien hereby given to the State of Idaho to secure the payment of such rental and in the event of any such attempt the lessor reserves the right to cancel said lease, after giving ten days notice to said lessee.

3. CHANGE OF RENTAL

The State Board of Land Commissioners reserves the right in its discretion to increase or decrease the annual rental herein provided at the beginning of each and every calendar year during the term of this lease, and in the event of any change in rental the lessee shall be notified thirty days in advance of the first payment of such increased or decreased rental.

4. RIGHT OF LESSOR TO SELL - APPRAISAL OF IMPROVEMENTS SUBJECT TO SECTION 58-313 I.C., AS AMENDED

The State Board of Land Commissioners reserves the right to sell all or any portion of the land described in this lease and in case of sale of said premises during the continuance of the same, the lessee hereby covenants to deliver immediate possession unless the State Board of Land Commissioners has determined that he shall be permitted to harvest the growing crop. In such event he shall have possession of only the land on which such crops are growing. When surface improvements have been made they will be appraised by the Director, or a fieldman, under the direction of the State Board of Land Commissioners and the lessee will be paid for same by purchaser on the day of sale; provided, however, that no appraisal of improvements shall be final and binding until the same is approved by the State Board of Land Commissioners.

When permanent range improvements, construction of permanent buildings, or clearing of land for agricultural uses, is contemplated by the lessee he must secure the approval of the Director in writing prior to making such improvements and failure to secure such written approval shall work a forfeiture of the value of such improvements in case of sale.

5. RENEWAL OF LEASE - APPRAISAL OF IMPROVEMENTS

If the lessee herein is not the successful bidder at the expiration of this lease and the land is leased to another party, then the value of improvements recognized in paragraph 4 above as agreed upon between the parties, or as appraised and fixed by the Director, shall be paid by said successful bidder for such lease to the lessee herein, provided, however, should said lessee owe delinquent rental to the State at the time of the termination of said lease, the amount paid, or so much thereof as will liquidate said delinquent rental for said improvement, shall be paid to the Director. In case improvements have been made by the lessee herein on land embraced by this lease, and an appraisal of the value of such improvements is required, such improvements shall be appraised by the Director, or a fieldman for the Department of Lands.

6. RELINQUISHMENT OF RIGHTS

The lessee agrees to deliver up the said premises leased upon breach of any of the conditions herein set forth with all permanent improvements thereon in good order and condition when such breach results in cancellation or forfeiture of such lease.

7. TIMBER ON LAND UNDER LEASE

This lease is made subject to all rights that the purchasers of timber upon said lands may have under their deeds or certificates of sale whether purchased before the execution of this lease or after; this lease does not authorize the lessee to cut any timber growing on the land leased; any unauthorized use of such timber by the lessee or with his knowledge or consent, shall work a forfeiture of this lease without notice; and said lessee shall be responsible for all damages to said timber and shall be prosecuted as provided by law. Lessee is subject to the provisions of the state fire law; provided, that the lessee shall not be liable for fire protection charges fixed by such law.

8. MINERAL RESERVATIONS

This lease is subject to any oil, gas and geothermal resource lease that is now in force or effect or that may hereafter be granted on the lands or any part thereof included herein as provided by Title 47, Idaho Code, as the same may have been or may hereafter be amended, and is also subject to any mineral lease that is now in force, provided, however, in the event of a mineral lease, oil and gas lease or geothermal resource lease, being granted subsequent to the granting of the lease herein, said lessee, whether such is a mineral lease, oil and gas lease or geothermal resource lease, shall give a good and sufficient bond to protect said lessee herein from all damage occasioned to the surface of said lands embraced in this lease, whether utilized for actual mineral extraction or for rights-of-way or other purposes necessary to fully operate said mineral lease.

9. PROHIBITED FROM FENCING WATERING PLACES

The lessee shall fence no watering place upon said leased lands where the same is the only water accessible for range stocks within a radius of one mile, without first having secured the consent of the State Board of Land Commissioners, provided, however, that the users of said water for stock or domestic purposes only shall protect the growing crops and improvements of said lessee, including ditches, levees, dams or pipelines used in irrigating the lands of the lessee herein, and that the cost of said protection shall be borne by the users of said watering place situated upon the land herein described.

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10. GRAZING REGULATIONS

Where land under this lease is used for grazing, the grazing period on said land and the number of stock to be grazed thereon may be fixed and determined by the Director; said lessee, under the above conditions, shall furnish to the Director such information as may be required from time to time during the term of this lease, to assist in determination of the grazing period and number of stock to be grazed.

Where sheep are grazed on land included in this lease, they shall not be bedded more than one night consecutively on the same bedding ground, nor shall such sheep be grazed in such a fashion as to destroy the natural herbage on said lands leased or demised.

11. PAYMENT OF WATER CHARGES

Unless otherwise provided, the lessee herein shall pay all water charges, assessments or taxes of whatsoever nature that may be legally levied or assessed for irrigation purposes against the land herein described, or any portion thereof, and if the same is not paid it shall constitute a lien in favor of the State of Idaho against all crops growing on said land.

12. SUBLEASING

The lessee herein covenants and agrees that he will not sublease the land embraced in this lease or any part thereof.

13. ASSIGNMENT

Said lessee shall not assign this lease except upon the approval of the Director and only where the rental owing has been paid in full except that if a rental extension has been granted by the State Board of Land Commissioners on this land such extension shall be assumed by the assignee and if improvements exist, such will be purchased by the assignee. Payments for such improvements in case of assignment of this lease where rentals are delinquent, shall be applied first to liquidate the delinquent rentals. Such assignment must be in writing and subscribed to by the lessee and spouse, if any. An Acceptance and Assumption of lease agreement must be subscribed to by the assignee and spouse, if any. The assignment, acceptance and assumption of lease shall be submitted to the Director for approval, and if approved by him, shall then be recorded on the records of the State Department of Lands.

14. RIGHT OF ENTRY AND INSPECTION. ABANDONMENT

The State Board of Land Commissioners reserves the right, through its Director, his fieldman, or other employees, to enter upon said land or any portion thereof during the term of this lease for the purpose of inspecting said property in the interests of said lessor. This right of visitation and inspection shall not authorize the lessor to destroy any of the property of the lessee thereon situated. Should any of the property covered by this lease be abandoned, or said lease cancelled or forfeited for any breach of condition herein contained, all improvements placed upon said property by said lessee shall remain a part of the realty and title thereto and ownership thereof shall vest in the State of Idaho.

15. LESSOR PROTECTED AGAINST WASTE

The lessee herein shall use the property under this lease in such manner as will best protect the State of Idaho against loss or waste and shall cooperate with the State, or any agency of the United States or other agency authorized by the State to undertake programs for eradication of noxious weeds thereon, and hereby authorize any of such agencies to inspect said property from time to time for the purpose of determining whether or not such noxious weed control or eradication is advisable. The lessee shall take all precautions to exterminate and prevent the spreading of noxious weeds thereon during the term of this lease.

16. FORFEITURE OF LEASE

In case the lessee herein shall fail to comply with any of the covenants, terms or conditions of this lease the State Board of Land Commissioners may forfeit or cancel the same upon ten days notice to said lessee and said lessee shall not, during said period of notice, remove any of the improvements or crops thereon whether said crops have been harvested or not. The lessee herein shall, at the expiration of this lease, deliver immediate possession of said lands embraced therein and the whole thereof to the State Board of Land Commissioners without further notice or demand.

It is further covenanted and agreed between the parties hereto that every obligation hereunder shall extend to and be binding upon, and every benefit hereunder shall inure to the benefit of the heirs, executors, administrators, successors or assigns of said lessee.

17. EASEMENTS

The State Board of Land Commissioners reserves the right to grant such easement and rights-of-way across or upon the said land described in this lease as it may deem necessary in the public interest, and to grant immediate possession thereof to the grantee of such easement, upon condition that the grantee of such easement shall, before exercising the same, pay to the lessee the reasonable value of the growing and immature crops and improvements within the boundaries of the granted right-of-way or easement. In event of dispute as to the value of such immature crops and improvements, the same shall be appraised by the Director and his appraisal shall be conclusive. This lease is subject to any right-of-way or easement heretofore granted on or over the lands embraced by this lease.

18. These lands are not to be closed at any time to the use of the general public for hunting and/or fishing purposes without the written permission, in advance of the Department of Lands, subject to the statute and/or rules and regulations of the Fish and Game Department, Section 36-2502, Idaho Code, notwithstanding.

IN WITNESS WHEREOF the party of the first part, through its State Board of Land Commissioners of the State of Idaho in accordance with the law has caused these presents to be executed by its President, the Governor of the State of Idaho, and the Director and countersigned by the Secretary of State and the Secretary of the State Board of Land Commissioners of the State of Idaho in person the day and year herein first above written.

COUNTERSIGNED:

Pete T. Cenarrusa
Secretary of the State of Idaho

John V. Evans
President of the State Board of Land Commissioners,
and Governor of the State of Idaho

Jack E. Gillette
Director Department of Lands

Frank H. Jones
Lessee

STATE OF IDAHO

County of Laramie) ss.

On this 28 day of August, in the year 1978, before me, a Notary Public in and for said State, personally appeared Frank H. Jones

known to me to be the lessee that executed the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

John B. Evans
Notary Public for Idaho
Residing at Idaho City, Idaho

STATE OF IDAHO

County of Ada) ss.

On this 29 day of August, in the year 1978, before me, a Notary Public in and for said State, personally appeared John V. Evans, known to me to be the president of the State Board of Land Commissioners of the State of Idaho and the Governor of the State of Idaho; and Pete T. Cenarrusa, known to me to be the Secretary of the State of Idaho; and G. C. Trombley, known to me to be the Director, that executed the within instrument, and acknowledged to me that the State Board of Land Commissioners of the State of Idaho, and the State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Jack E. Gillette
Assistant Director Department of Lands

John B. Evans
Notary Public for Idaho
Residing at Idaho City, Idaho

Commission expires 8-1-82

MICROFILMED

Wednesday, October 28, 1981 (11:00 a.m.)

ROSTER OF ATTENDANCE

Hearing Officer _____

Name	Address	Representing
Furey & Furey (Sherman F. Furey, Jr)	Box 1127 Salmon, Idaho	Ivan Jones & M. J. Chamberlain
Kent M. Foster	Box 129 IDAHO FALLS	Carol B. Sells
W. Woods	Box 789 Salmon.	F. Stoddard Lemhi, Idaho
Frank Stoddard	Box 120 R#1	self.
Lloyd A. Clark	Box 1451 Salmon	Self.
Lynn A. Herbst	Box 21 Endrey	John F. Herbst
Ronald Alder	Box 22 Endrey	self
Frances Alder	Box 22 Endrey	self
Stephanie Brady	P.O. Box 430 Salmon	BRM

MICROFILMED

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

RECEIVED
OCT 27 1981

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

RECEIVED
OCT 27 1981

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

RECEIVED
OCT 27 1981

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

J. CHARLES HERNDON [1911-1986]

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

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

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 Sherman F. Furey, Jr. in behalf of M. J. Chamberlain; and on February 2 from Lemhi 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?

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OCT 29 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?

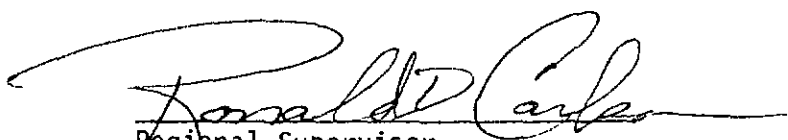
Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A 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
OCT 11 1981

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

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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

MICROFILMED

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

Emile.



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

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

PS Form 3877, Sept. 1979

NAME AND ADDRESS OF SENDER		DEPARTMENT OF WATER RESOURCES EASTERN DISTRICT OFFICE 150 SHOUP 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	2	3	4	5	6	7	8	9	10	11	12	13	14	15
NUMBER OF ARTICLE	DATE	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	Blondie (Mrs), P.O. Box 51, Salmon	18	75				60						74-709
2	12796	Gran L. Green, Lot 28, Warden	"	"				"						74-709
3	12797	Paul E. Reed 44 Montgomery Ave. Wain.	"	"				"						74-709
4	12798	Harold H. Carlson, Lot 12, Okech	"	"										74-709
5	12799	Mary Green, Lot 71, Salmon	"	"										"
6	12800	Edith Green, Lot 14, Salmon	"	"										44-220
7	12801	Walter Olson, Rt #1, Lot 12, Salmon	"	"										74-000
8	12802	Walter Olson, Salmon Id	"	"										"
9	12803	Tim Freeman Rt #1, Lot 47, Salmon	"	"										"
10	12804	Ed Green, P.O. Box 1227, Salmon	"	"										"
11	12805	Tim Freeman, Lot 47, Salmon	"	"										"
12														13-2300
13														
14														
15														
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 registered value is required on article 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 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.								
11		11		C.B.R.		16.83 33.75 50.78 total								

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

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

NAME AND ADDRESS OF SENDER		DEPARTMENT OF WATER RESOURCES EASTERN DISTRICT OFFICE 150 SHOUP AVE. IDAHO FALLS, IDAHO 83401		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	2	3	4	5	6	7	8	9	10	11	12	13
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 Fred Brown, Briggs, Id	18	75							60		22-2139
2	12781 Raymond Kippinger, Virgil, Id	"	"							"		"
3	12782 Joan Kay, Briggs, Id											"
4	12783 Forrest Samuel, Trip 602 Ashton											21-2012 21-2034
5	12784 Tracy Smith, 305 2nd W, Ketchikan											"
6	12785 Fremont Madison, P.O. Box 5, St. Hart											"
7	12786 Evelyn Cherry, Box 472, Ashton, Id											"
8	12787 Bruce & Lucille Zeller, Box 145, Elletts, Id											75-7258
9	12788 James O. Henderson, P.O. Box 789, Salmon											"
10	12789 Richard McDaniel, Box 13, Elletts											"
11	12790 James F. Fodstad, Rt #1, Box 120, Salmon											74-7092 74-7093
12	12791 Kent Smith, P.O. Box 129, St. Paul, Id											74-0409 74-0247
13	12792 James Henderson, Thredoux, Id Salmon											"
14	12793 Vern Wiley, P.O. Box 127, Salmon											"
15	12794 R. J. Chamberlain, 701 Shoshone, Id. Rex, #22		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		C.B.R.								

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

MICROFILMED

DATE June 15, 1981

Transfer FILE 74-0404/0249

Transfer File 74-0247/0248

Files 74-7092/7093/7094

NAME 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...

RECORDED
INDEXED

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

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

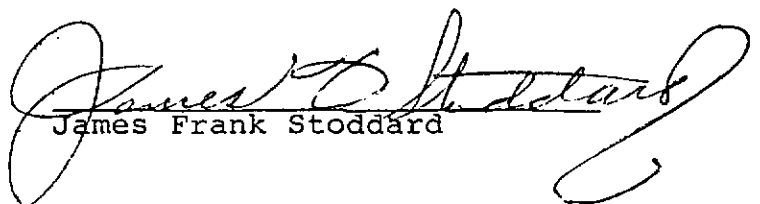
Mr. Ronald E. Carlson, Supervisor
April , 1981
Page Two

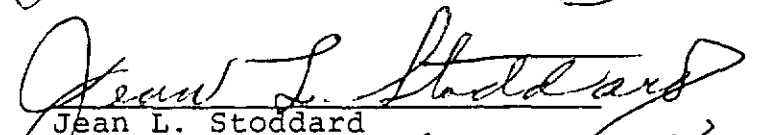
5. Assignment of portion of amended permit
no. 74-7092.

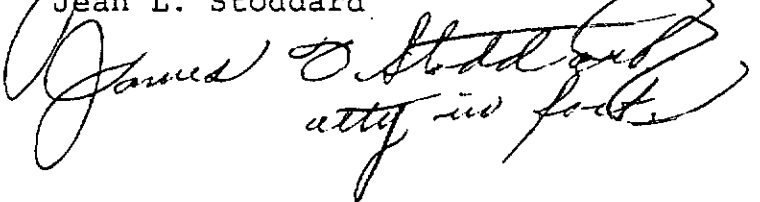
By this letter we also wish to confirm that we are withdrawing the amended applications for transfer which were filed on March 26, 1981 and request that no further action be taken on those amended applications. With the exception of 80 miner's inches applied for under application for permit no. 74-7092, 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

Hearing. 74-7092/7094.

Direct - James Stoddard -

owned P.O.U. for 13 years.

supervised measuring of water in Company Ditch - which has three water users - Ivan Jones.

Pine Creek Ranch.

James Stoddard.

application involve newly irrigated lands & land previously irrigated with water rights which are being transferred to different P.O.U.

has lease for state owned land in Sec 16.

contends Co. Ditch has previously been measured and traditionally found convey water rights plus water covered by these applications.

measurements taken each year to determine distribution. M.D. is below Ivan Jones diversion, consists of Cipoletti Weir.

NOTE: Applicant will provide copies of measurement records & lease for examination & ~~to~~ objections.

X-examination.

- Co. Ditch known as L-32 in Lemhi Adjudication.

- Normally Pine Creek received their allotment & Stoddard utilized remainder of flow in Ditch.

- Has utilized water equivalent to application requests in all of the past six years.

RECEIVED

Robert Stoddard.

Direct-

- 1970-1971 operated farm in absence of father,
- irrigation method at that time used siphon tubes which require constant flow, had to make daily measurements.
- had weir at river diversion, Ivan Jones property, ^{prior to} diversion into Stoddard Ranch. "presumptuous".
- Recalls flow at P.O.D. to be 1200 inches, at Ivan Jones property 1000 to 1100 inches, and 1000 to 1100 inches diverted onto Stoddard Ranch, with mingled Agency Creek water.
- Has cleaned entire ditch with exception to that portion of the ditch through Ivan Jones property, who refused to allow trespass.
- Testimony that Co. Ditch has consistently, every year carried in excess 1000 inches.

X-exam. Furey.

- Could maintain flow of 1000 to 1100 inches without causing flooding or excessive ~~shrinkage~~ seepage on neighbors property.
- Darrell Bagley - complained of seepage into corals from Co. Ditch, did at times shut water off in Co. Ditch.

X- Exam. Herndon.

- Once decreed water had been divided, they did not split balance of water remaining.

Paul Battee

Direct-

- Operated P.O.U. from 1944 to 1976.
- Water rights based on 1920 decree.
- 1st measurement taken in 1964, by water master of Agency Creeks. Recalls measurements has high as 1000 inches at Ivan Jones property.
- Ivan Jones has 5 inch right, required $\frac{1}{2}$ got additional water for irrigation.

RECEIVED

Pattee continued.

- When he sold property, Co. Ditch was in good repair and could carry 1000 inches.
- Carlson & Bagley seepage result of irrigation above canals.

X-exam Furey

- Ditch did receive some waste water from Bagley property.
- Waste water could cause fluctuations of ~~250~~ 50 to 200 inches.
- Always left some free board to allow for waste water.

Redirect-

- Was a concrete structure at diversion to accommodate flash boards or a weir board.

- Ivan Jones,

Direct:

- Farmed ranch for past 23 years.
- Seepage into Bagley Canals has been reduced last couple of years due to reduced flows in Co. Ditch.
- Feels ^{safe} capacity of ditch is 700 to 750 inches.
- Water will overflow banks in pasture when moss in ditch decreases.
- Granting application will require addition O & M costs in which he participates.

X-Exam Jones

- Measured water total of 4 times but can not recall quantities believes it did not exceed 700 inches.

X-Exam Stoddard-

- Did not keep record of any measurements.
- Mr. Jones determines when ditch should be mossed. normally done in a spirit of cooperation.

RECEIVED
JAN 10 1960
FBI - DENVER

X-exam Jones (continued).

Q- If Stoddard's repaired designated sights at own expense to your satisfaction, plus additional maintenance costs would you still protest? Yes.

Q- Describe m.d. - 14' Cipolletti Weir.

Redirect -

- Obligated to pay 21% of O. & M.
- Increased diversion will cause increased O. & M.

Rattee - objects to any alteration of Adair decree, matter to be considered by the court.

Donald Adams -

Direct:

- Has been involved with Pine Creek Ranch - 13 yrs old.
- 1965 through 1971 - irrigated with water from Co. Ditch.
- Recalls two or three times when ~~water~~^{excess} flow from Ditch was diverted by Stoddard's thru Adams headgate.
- Flooding at Adams headgate occurred when ditch contained approximately 1000 inches.

X-Exam

- Never measured water at diversion from river, or Jones Weir.
- Measured water once with cipolletti weir - has measured water at various diversions on Agency Creek as per instructions from father.

MICROFILMED

Conference.

Date March 3, 1981.

74-7092/7093/7094

Applicant -

James Stoddard - represented self.

Protestants -

Ivan Jones represented by Sherman Jurey.

Lemhi Irrigation District. " " James Herndon.

74-7092

Issue - SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 16 possibly administered by the state. (public lands).
- present capacity of ditch is less than 1000 inches.

74-7094 -

"Applicant" - there is sufficient water in ditch now, does not anticipate having to divert an additional 255 inches.

Two other users on Company Ditch.

Has ~~records~~ written records of measurements taken in Company Ditch.

Company Ditch passes through property of Protestant, Ivan Jones.

- Ditch frequently carries 1000 inches divided between Pine Creek Ranch & Stoddard (Pattee). Currently water rights in Company Ditch total 705 inches.

"Pattee" - Watermaster for Agency Creek measured Company Ditch during 1964 irrigation season. Measurements should be recorded with the Dept.

NOTE: Check files for measurements.

RECORDED



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) 523-7186
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 Carlson

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

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

APR 12 1981

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

MICROFILMED

150 Shoup Ave. -----

525-7161

April 7, 1981

RE: Application for Transfer of Water Right Nos. 74-0247 & 74-0248
Application for Transfer of Water Right Nos. 74-0404 & 74-0249

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

Dear Mr. Stoddard:

Attached herewith is Departmental Receipt No. 17149 in the amount of \$40.00 for the amending of the above proposed change of water rights.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

MICROFILMED

NOTICE OF PROPOSED AMENDING OF TRANSFER

No. 74-0247/0248

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

No. 74-0247 - AMOUNT 1.20 cfs PRIORITY: May 26, 1873

No. 74-0248 - AMOUNT 0.80 cfs PRIORITY: Nov. 3, 1907

DECREED POINT OF DIVERSION: NWNE, Sec. 28, T. 19N,
R. 24E, B.M., Lemhi County; to irrigate 64.5 acres within
the E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E from Apr. 1 to Nov. 1
The right holder requested the transfer to change the place
of use to SESE, Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M.

The right holder now proposes to amend this transfer
amending the place of use to the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 21, T. 19N,
R. 24E, B.M.

Any protest to the proposed amending to Transfer
NO. 74-0247/0248 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

RECORDED
APR 16 1981



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) 525-7166 --
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

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

150 Shoup Ave. 4515 Lincoln Road.
Idaho Falls, Idaho 83401
(208) 523-7486--
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
Boise, 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:rw

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

RECEIVED
MAR 22 1981
DEPT. OF WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

BY THIS STIPULATION, the undersigned parties to the above-captioned case waive compliance with the requirements of Idaho Code, Section 67-5211, including the right to a proposed decision, to file exceptions to a proposed decision and to present briefs and oral arguments to the Director of the Department of Water Resources and agree that the Director may render a final decision in this case without first submitting a proposed decision.

Dated this _____ day _____, 19____.

(Notary Subscription)

NOTARY PUBLIC
JAMES STODDARD
JAN 11 1974

1500 S. C. of the
Idaho Falls, ID. 83401

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	REGISTERED ☐ C.O.D. ☒ CERTIFIED	POSTAGE	FEE	R.R. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS
1	Baumman, 2525 S. Boulevard, JF		15	80	45			22-7342
2	Brattain, RRI, Box 116, Victor		15	80	45			"
3	Paul Wessy, Box 1219, JF		15	80	45			"
4	Keith Davis, Victor, Id.		15	80	45			"
5	Charles E. Peterson, Atter, Box 22, Briggs		15	80	45			"
6	Marxwinds, Rt. 1, Box 175, Victor		15	80	45			"
7	Amie Hamblin, Washington, UT		15	80	45			"
8	Will Anderson, Wm. Rt. 1, Box 47, Salmon		15	80	45			"
9	Joseph Tommeire, Box 871, Salmon		15	80	45			"
10	Virgil Olson, Rt. 1, Box 12, Salmon		15	80	45			"
11	Berdell Olson, Rt. 1, Salmon		15	80	45			"
12	David Hagan, Bolton Ranch, Rt. 1, Box 14, Salmon		15	80	45			"
13	James Stoddard, Rt. 1, Box 120, Salmon		28	80	45			"
14	James Herndon, Herndon Hotel Block, Salmon		28	80	45			"
15	Emmie W. Wist, 50 Ralph Hagan, Director, Salmon		28	80	45			"
16	Remmie R. Stoddard, Box 6, Tendoy		15	80	45			"
17	Dwan Jones, Box 28, Tendoy		15	80	45			"
18	Sherman F. Hurey, Jr., Box 127, Salmon		15	80	45			"
19	Mrs. Chamberlain, Tolwest Chester Rd, Tendoy		15	80	45			"
20	Blayd A. Olaf, Box 1451, Salmon		15	80	45			"

TOTAL NO. OF PIECES LISTED BY SENDER: 20
 POSTMASTER, PER INVOICE (SEE EMPLOYEE)
 APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL
 (Declaration of value is required on International registered mail)
 * U. S. GOVERNMENT PRINTING OFFICE: 1973 O-524-725

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

(see 74-7092, ~~2~~ 1, for returned receipts)

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
FEB 24 1981

SHERMAN F. FUREY, JR.

ATTORNEY AT LAW

NEW THRASHER BUILDING

SALMON, IDAHO 83467

P. O. BOX 1127

TELEPHONE
(208) 756-2577

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

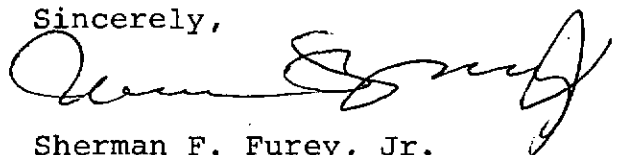
Dear Mr. Carlson:

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

RECEIVED
FEB 20 1981

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.

RECEIVED
MARCH 11 1981
DEPT. OF WATER RESOURCES

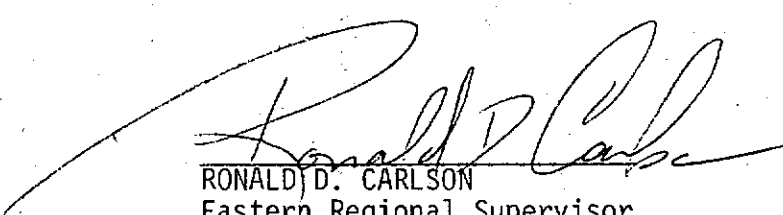
If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director 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

RECEIVED
FEB 21 1981



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) 523-7186

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

MICROFILMED

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

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 - ID

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

P. O. BOX 1127

TELEPHONE
(208) 756-2577

January 28, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

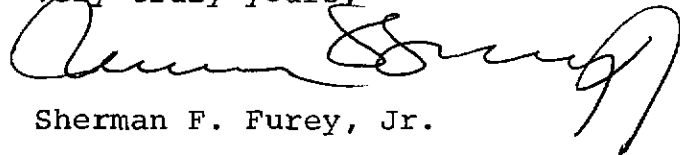
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

re: James Stoddard Applications
#74-0404/0249 and
#74-0247/0248

Gentlemen:

Enclosed are duplicate originals of Protests of
M. J. Chamberlain to be filed in connection with the
above Applications.

Very truly yours,



Sherman F. Furey, Jr.

SFF:gk
Enclosures
cc: Mr. M. J. Chamberlain

RECEIVED

RECEIVED

JAN 29 1981

Department of Water Resources
Eastern District Office

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
JAN 31 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: IDWR - State Office

RECEIVED
JAN 31 1981

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

RECEIVED

JAN 13 1981

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT
NO 74-024770248

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 Agency Creek tributary to Lemhi River. The rights sought to be changed are evidenced by decree to James F. & for 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:

74-0247

Amount: 1.20 cfs
Priority: May 26, 1873
74-0248

Amount: 0.80 cfs
Priority: November 3, 1907

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

The water is used to irrigate 64.5 acres within the E 1/2 NE 1/4, N 1/2 SE 1/4, Sec. 20, T. 19N, R. 24E, from April 1 to November 1.

TO BE CHANGED AS
FOLLOWS

The water will be used to irrigate 64.5 acres within the SESE, Sec. 17, N 1/2 NE 1/4, Sec. 20, 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 and 1/22/1981.

1-15-2tc

RECEIVED

IN THE DEPARTMENT OF WATER RESOURCES.

STATE OF IDAHO

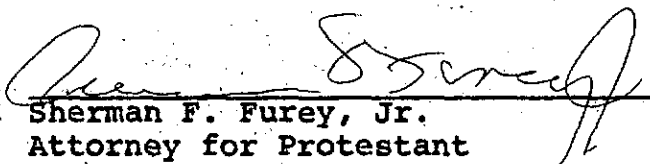
In the Matter of the Application)
to Change the Place of Use of)
JAMES STODDARD, Salmon, Idaho) P R O T E S T
No. 74-0247/0248)

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 1971

Department of Water Resources
Eastern District Office

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

DEPT. OF WATER RESOURCES

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: IDNR - State Office
Sherman F. Furey, Jr., Attorney

MICROFILMED

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: IDMR - State Office

MICROFILMED

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



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
Sr. Resource Analyst

EC:kw

RECEIVED
DEC 21 1980

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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 74-0247

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 the 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. 5, 1925 in 6th Judicial Court, Lemhi County and is recorded as follows:

Amount: 0.60 c.f.s. Priority: May 26, 1873

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 $\frac{1}{4}$, N $\frac{1}{2}$ 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 & October 18, 1973.

RECORDED

Identification No. 74-0247

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, _____, watermaster of _____,
of Water District No. _____, County of _____, State of Idaho,
whose address is _____,
have read the attached copy of the application for transfer of water right for
_____, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at _____, Idaho, this _____ day of _____, 19____.

(Signature)

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 10 1974

Nov 2, 1973 - Transfers
re-executed & sent to
Stoddard. Deed & easement
also requested.

Nov 9, 1973

Stoddard says transfers
no good - requests new forms
- New forms sent

Mar 7, 1974

Letter referting January
Conversation - Stoddard wants
to Hold Applications till
Lease Add. complete.

RECORDED

STATE OF IDAHO

~~DEPARTMENT OF WATER ADMINISTRATION~~

~~Eastern District Office~~

~~240 South Holmes Ave. • Idaho Falls, Idaho~~

~~83401~~

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE

1515 LINCOLN RD.

IDAHO FALLS, IDAHO 83401

Mr. Ivan Jones

Watermaster

Water District 74-M

Box 28

Tendoy, ID 83468

RECEIVED

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

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 74-0247

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 the 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. 5, 1925 in 6th Judicial Court, Lemhi County and is recorded as follows:

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TO BE CHANGED AS FOLLOWS

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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 & October 18, 1973.

MICROFILMED

NCY
9/28/73

NOTES ON TRANSFER 74-0247 (STODDARD)
(AGENCY CK)

- 1) SAME AS ITEM 1 XFER 74-0249 NOTES.
- 2) SAME AS ITEM 2 XFER 74-0249 NOTES.
- 3) DECREE IS FOR 1.2 CFS; TRANSFER IS FOR 0.6 CFS. WHAT HAPPENS TO THE REMAINDER?
- 4) SAME AS ITEM 4 XFER 74-0249 NOTES.
- 5) APPARENT DECREE $1.2 \text{ cfs} / 67.1 = 0.00179 \text{ cfs}$
XFER CLAIMS $0.6 \text{ cfs} / 79.7 = 0.00075$
IF ALLOWED $0.6 \text{ cfs} / 620 = 0.00097$
- 6) SAME AS ITEM 6, 7, 8, & 9 ON NOTES FOR XFER 74-0249.

MICROFILMED

WATER RIGHT NUMBER 74-0247

OWNER LAST NAME - STODDARD

FIRST NAME - JAMES F.

ORIG OWNER -

OWNER LAST NAME - STODDARD

FIRST NAME - JEAN L.

ORIG OWNER -

ADDRESS LINE 1 - RT. 1

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - SALMON

STATE - ID ZIP CODE - 83467

SOURCE - AGENCY CREEK

TRIBUTARY OF -

STAGE - DECREE

STATUS -

PRIORITY - 05-26-1873 COUNTY - LEMHI

TOTAL DIV. RATE - 1.2000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS - B

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

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

USE DIV. RATE -

1.2000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

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

SESE LOT

AC 01

DECREE NAME -

REMARKS - AC. IRR.=64.5.

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 -

1515 Lincoln Road

RECEIVED

MAR 8

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,

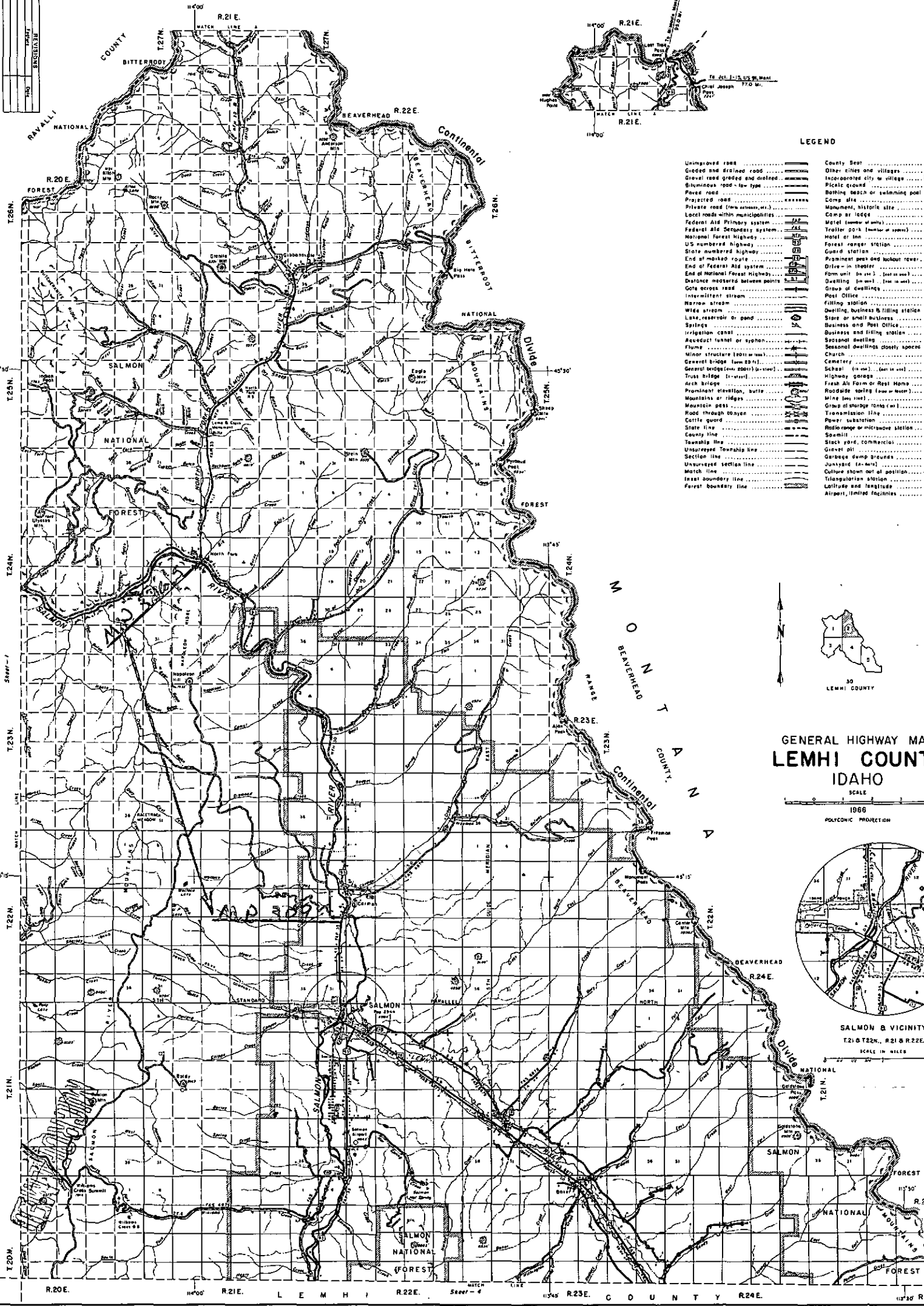
NORMAN C. YOUNG
District Engineer

NCY:mb

RECEIVED

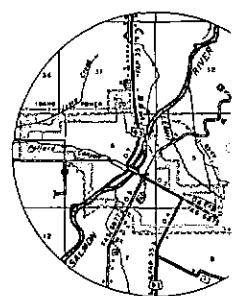
Don Anderson May 10, 1967

SECTION	DATE
1	
2	
3	
4	



GENERAL HIGHWAY MAP
LEMHI COUNTY
IDAHO

SCALE
1966
POLYCONIC PROJECTION



SALMON & VICINITY
T21 & T22N, R21 & R22E
SCALE IN MILES