

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

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF	)	PROPOSED
	)	
APPLICATION FOR TRANSFER OF WATER RIGHT NO.	)	MEMORANDUM DECISION
	)	
74-2200 IN THE NAME OF BOLTON RANCH, INC.	)	AND ORDER
	)	

On July 1, 1981, Bolton Ranch, Inc. applied to the Idaho Department of Water Resources to change the points of diversion for licensed water right No. 74-2200 with no requested change in the place of use. This right is included in the Proposed Finding of Water Rights in the Lemhi River Basin, Case 4948 in the Seventh Judicial District Court, Lemhi County. The application proposes to retain the diversion in Lot 1, Sec. 4, Twp. 21N, Rge. 23E B.M., delete the diversion in the NW1/4NE1/4, Sec. 9 and add two new points of diversion in the SW1/4NE1/4, NW1/4SE1/4, Sec. 9, Twp. 21N, Rge. 23E B.M., Lemhi County.

Notice of the application was published in the Recorder Herald, Salmon, Idaho on July 16 and 23, 1981 and subsequently protested on August 3, 1981 by Vergil O. Olson and Verdell Olson. The protestants cited the following issues as their reasons for their objection to this change.

1. The applicant has not obtained a permit to change the point of diversion to the new point of diversion.
2. Granting the new point of diversion will adversely affect other water rights diverted from Geertson Creek.

On October 29, 1981, the Department conducted a combined hearing in this matter and on protested application for transfer of water right Nos. 74-0006, 74-0007, 74-0918 and 74-2272 at the Lemhi County Courthouse, Salmon, Idaho. The protestants, Vergil and Verdell Olson, were present and represented themselves. The applicant was represented by Dave Logan, vice-president and manager of Bolton Ranch, Inc. and Sherman F. Furey, Jr., attorney at law. Also present were Neil Ankrum, watermaster of Water District No. 74-A and Stephanie Brady from the Bureau of Land Management.

Department records list William T. Bramlette as the holder of water right No. 74-2200. Mr. Bramlette's property was recently acquired by Bolton Ranch, Inc. In explaining the reason for making the application for transfer, Dave Logan, manager of Bolton Ranch indicated two new points of diversion would be established. These would be used along with the existing diversion in Lot 1,

Sec. 4, Twp. 21N, Rge. 23E. He testified the new points of diversion in the SW1/4NE1/4, NW1/4SE1/4, Sec. 9, Twp. 21N, Rge. 23E would divert water from what he understood were two recognized natural channels of Geertson Creek. These channels branch off of Geertson Creek within the SE1/4SE1/4, Sec. 4; NW1/4NE1/4, Sec. 9, Twp. 21N, Rge. 23E.

Neil Ankrum, watermaster on Geertson Creek since 1975 testified that in his opinion the requested change would not adversely affect the protestants' water rights.

Vergil Olson testified his primary concern was proper administration of the stream. He testified that in the past, Mr. Logan had regulated his own diversions; thus, adversely affecting downstream rights.

According to the testimony of Verdel Olson, the side channels on which the new points of diversion will be located, are not natural channels of Geertson Creek and should not be recognized as such.

Affidavits filed with the Idaho Department of Water Resources on July 3, 1973 in connection with the adjudication of the Lemhi River and tributaries, by Parley A. Arave, Herb Aldous, Clyde G. Starr, Anthony Santos, Bill Bolton, LaVar Prestwich, and Lyman A. Arave designate the side channel branching from the creek in the N1/2NE1/4, Sec. 9, Twp. 21N, Rge. 23E as a tributary of Geertson Creek. A map attached to each affidavit identifies the channel as it flows through the SW1/4NE1/4, Sec. 9 and then back into the creek within the NW1/4SE1/4 of said section. This coincides with the channel shown on the application beginning in the southeast corner of the NW1/4NE1/4, Sec. 9, Twp. 21N, Rge. 23E.

The heading for the upper side channel illustrated on the application is the SE1/4SE1/4, Sec. 4, Twp. 21N, Rge. 23E. This same 40 acre subdivision is also a point of diversion for water right Nos. 74-0007, 74-0619, and 74-0918 as listed in the Stipulation to the Proposed Finding of Water Rights in the Lemhi River Basin for Geertson Creek. The map accompanying each of the July 3, 1973 affidavits shows a diversion structure at the heading of ⁺his ditch that is very similar to the one followed by the upper side channel on the application. The ditch, however, terminates in the SE1/4SW1/4, Sec. 9, Twp. 21N, Rge. 23E rather than returning to the creek as indicated on the application.

Based upon testimony obtained at the hearing and the Hearing Examiner's understanding of the law, the following Findings of Fact, Conclusions of Law, and Order are hereby proposed.

Review of Evidence

Department records considered

1. Application for transfer of water right No. 74-2200 receipted July 1, 1981.
2. Affidavit of publication of Notice of Application for Transfer received July 24, 1981.
3. Letters of protest from Vergil O. Olson and Verdell Olson received August 3, 1981.
4. Stipulation for Geertson Creek to the Proposed Findings of Water Rights in the Lemhi River Basin, Civil Case No. 4948 in the Seventh Judicial District Court in Lemhi County.
5. Affidavits from Parley A. Arave, Herb Aldous, Clyde G. Starr, Anthony Santos, Bill Bolton, LaVar Prestwich, and Lyman A. Arave dated July 3, 1973.

FINDINGS OF FACT

1. The applicant wishes to divert water from Geertson Creek at points different from those shown on the original license and in the Geertson Creek Stipulation to the Proposed Finding of Water Rights in the Lemhi River Basin.
2. Geertson Creek is within the boundaries of State Water District No. 74-A.
3. There will be no change in the licensed place of use for right No. 74-2200.
4. Testimony by Neil Ankrum, watermaster, indicated he did not expect the transfer to adversely affect downstream diversions.
5. Protestant, Vergil Olson, stated if the applicant was delivered only the water he is entitled to under his water right, there would be no injury.
6. The channel leaving Geertson Creek in the southeast corner of the NW1/4NE1/4, Sec. 9, Twp. 21N, Rge. 23E and flowing back into the creek in the NW1/4SE1/4 of said section is a recognized channel of Geertson Creek and the point of diversion proposed for the NW1/4SE1/4, Sec. 9, Twp. 21N, Rge. 23E will divert water from that channel of Geertson Creek.
7. The channel heading in the SE1/4SE1/4, Sec. 4, Twp. 21N, Rge. 23E is a ditch used for the conveyance of water under water rights No. 74-0007, 74-0619 and 74-0918 and the point of diversion proposed for the SW1/4NE1/4, Sec. 9, Twp. 21N, Rge. 23E would be from that ditch below the established heading.

CONCLUSIONS OF LAW

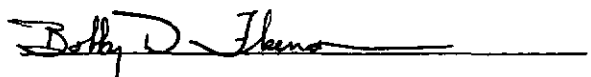
1. Relocating the points of diversion without changing the place of use is not an enlargement of water right No. 74-2200.
2. Proper administration by the watermaster will prevent injury to other water rights in Water District No. 74-A, Geertson Creek.
3. The watermaster has no authority to distribute water from a ditch after it has been regulated at the heading.
4. The diversion of water at the heading of the ditch in the SE1/4SE1/4, Sec. 4, Twp. 21N, Rge. 23E will not be different in its effect on other rights than the proposed diversion of water downstream on the ditch at the point in the SW1/4NE1/4, Sec. 9, Twp. 21N, Rge. 23E.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer of Water Right No. 74-2200 be and is APPROVED in part subject to the following conditions:

1. The points of diversion to be established by this transfer are: a) located on the west bank of Geertson Creek in Lot 1 (NE1/4NE1/4), Sec. 4, Twp. 21N, Rge. 23E); b) located in the NW1/4SE1/4, Sec. 9, Twp. 21N, Rge. 23E on the west bank of a natural channel to Geertson Creek, said channel branching from the creek in the southeast corner of the NW1/4NE1/4, Sec. 9 and flowing back into the creek in the NW1/4SE1/4, Sec. 9 all in Twp. 21N, Rge. 23E, and c) located in the SE1/4SE1/4, Sec. 4, Twp. 21N, Rge. 23E on the west bank of Geertson Creek.
2. 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 at each approved point of diversion prior to diversion of water under this approval.
3. Use of water under this transfer is subject to the control of the watermaster of Water District No. 74-A, Geertson Creek.

Dated this 23 day of July, 1982.


BOBBY D. FLEENOR
HEARING OFFICER

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

IN THE MATTER OF PROTEST AGAINST APPROVAL OF)
APPLICATION FOR TRANSFER OF WATER RIGHT NO.)
74-2200 IN THE NAME OF BOLTON RANCHES, INC.)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on July 28, 1982, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 9TH day of February, 1983.

for

Norman C. Young

A. KENNETH DUNN

Director

RECEIVED
FEB 10 1983

Transfer No. 2581
Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

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

Name of applicant Bolton Ranch Inc. Phone 756-3675
Post Office address Route #1, Box 14, Salmon, ID 83467

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 74-2200 Decreed to William T. Bramlette &/or Wilma A. Bramlette
(Name)
in case of Proposed Finding of Water Rights vs in the Lemhi River Basin
Case No. 4948
dated in _____ in 7th Judicial District 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 Applicant
purchased property.

3. Source of water Geertson Creek tributary to Lemhi River
4. Date of priority 3/30/1916

5. Water is used for the following purposes:
- amount 3.1 cfs for irrigation purposes from * 3-15 April 1 to * 11-15 Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.1 cubic feet per second * Lemhi Basin
&/or DECREE J.T.
b. _____ acre feet per annum

7. Location of original point of diversion is NW ¼ of NE ¼ of Section 9
Township 21N Range 23E, B.M., in Lemhi County
Additional points of diversion, if any Lot 1, Sec. 4, Twp. 21N, Rge. 23E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
21N	23E	9									38.9	6	27.2	37.5					109.7

Total number of acres to be irrigated 109.7

9. Describe any other water rights used for the same purpose as described above none

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years
no

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: _____

[illegible]

Total number of acres to be irrigated _____

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

1. General Information
- a. Amount of water to be diverted 3.10 c.f.s. &/or _____ acre feet
- b. Description of diverting works 12" diameter metal headgate, open ditches.
- c. Describe the reasons for the proposed changes Location of diversion had to be changed to facilitate operation of sprinkler system.

2. Change in point of diversion
- Point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9 Township 21N
Range 23E, B.M., Lemhi County
Additional points Lot #1, Sec. 4; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9; Twp. 21N, Rge. 23E

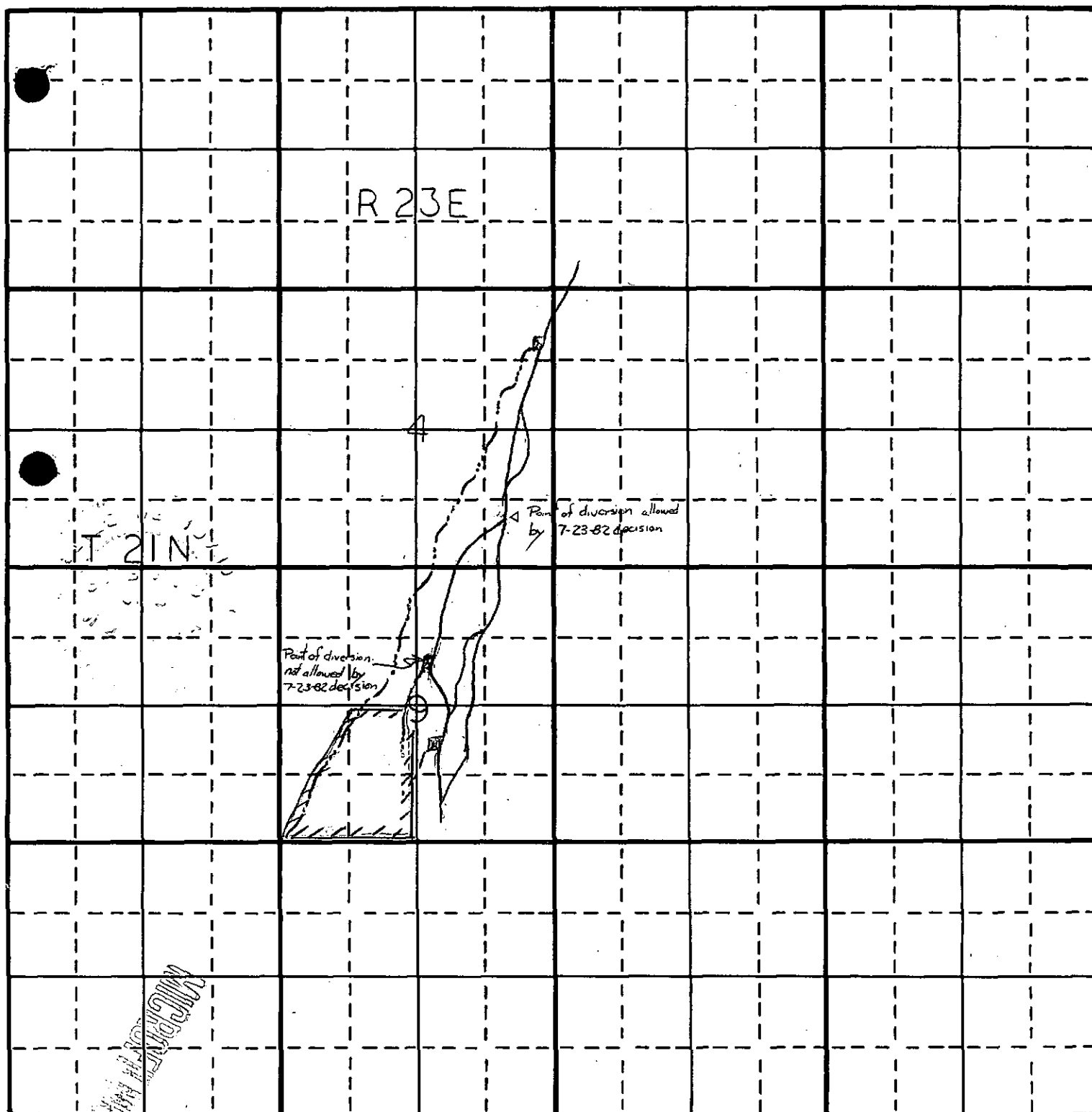
3. Change in place of use
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No XX. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
- no change

c. Describe the lands or place of use to which the right will be transferred:
no change

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. none
5. 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.

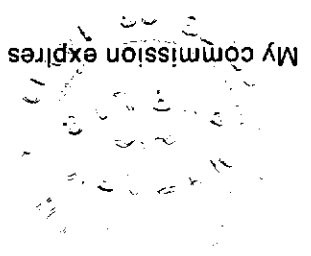


SCALE: 2 inches equal 1 mile. Draw plan in ink.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 30 day of January, 19 81
X William M. Longman UP Mon.
Go it on to 2022
(Signature of Applicant)

Charles Burch
(Notary Public)



My commission expires 12-21-82

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 74-2200 and said application is hereby APPROVED, subject to the following limitations and conditions:
PURSUANT TO ORDER ISSUING PROPOSED DECISION AND ORDER ADOPTING PROPOSED MEMORANDUM
DECISION AND ORDER

Witness my hand this 9th day of January, 19 83

for the
Director
William M. Longman

FOR DEPARTMENT USE ONLY
Received by PCW Date 7/1/81
Prelim. check by HWT Fee 50.00
Received by PCW Date 6/26/81
Protest filed by Michael Allen
Copies of protest forwarded by PCW
Hearing held by _____ Date _____
Recommended for approval by SMC
Watermaster recommendation requested on _____
Pub. dates 7/16 & 7/23/81
Published in Recorder-Herald
Recorded by PCW Date 7/7/81 #17779
rec'd. _____

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF
APPLICATION FOR TRANSFER OF WATER RIGHT NO.
74-2200 IN THE NAME OF BOLTON RANCHES, INC.

CERTIFICATE OF MAILING

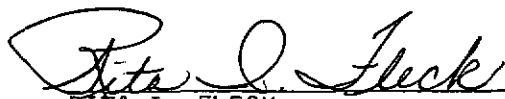
I HEREBY CERTIFY That on this 14th day of February, 1983, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Bolton Ranch, Inc.
c/o Dave Logan
Rt. 1, Box 14
Salmon, ID 83467

Verdell Olson
Salmon, ID 83467

Vergil O. Olson
Rt. 1, Box 12
Salmon, ID 83467

Sherman F. Furey, Jr.
FUREY & FUREY
P. O. Box 1127
Salmon, ID 83467



RITA I. FLECK
Sr. Secretary
Idaho Department of Water Resources

RECEIVED
FEB 15 1983

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 OF WATER RIGHT)
NO. 74-2200 IN THE NAME OF BOLTON RANCHES) ORDER ISSUING
INC.) PROPOSED DECISION
_____)

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, BOBBY D. FLEENOR, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on October 29, 1981, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision, and
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

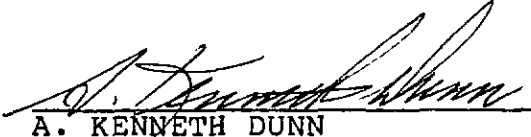
IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

DATED this 28th day of July, 1982.


A. KENNETH DUNN
Director
Department 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 OF WATER RIGHT
NO. 74-2200 IN THE NAME OF BOLTON RANCHES
INC.

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 28th day of July, 1982, true and correct
copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM
DECISION AND ORDER, were mailed postage prepaid to:

Bolton Ranch Inc., c/o Dave Logan
Route 1 Box 14
Salmon, ID 83467

Verdell Olson
Salmon, ID 83467

Vergil O. Olson
Route 1, Box 12
Salmon, ID 83467

Sherman F. Furey, Jr.
FUREY & FUREY
P. O. Box 1127
Salmon, ID 83467


RITA I. FLECK
Sr. Secretary
Idaho Department of Water Resources

MICROFILMED

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT
NO. 74-2200

Notice is hereby given that Bolton Ranch, Inc., Salmon, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Geertson Creek tributary to Lemhi River. The right sought to be changed is evidenced by License No. 74-2200 and is recorded as follows:

AMOUNT: 3.1 cfs
PRIORITY: 3/30/1916
POINT OF DIVERSION:
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; Lot 1,
Sec. 4; Twp. 21N, Rge. 23E, Lemhi County.

The water is used for irrigation purposes from April 1 to November 1 within the SW $\frac{1}{4}$, Sec. 9, Twp. 21N, Rge. 23E, for 109.7 acres.

TO BE CHANGED AS
FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9; Lot 1, Sec. 4; Twp. 21N, Rge. 23E, Lemhi County.

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, 83402 on or before August 3, 1981.

A. KENNETH DUNN
Director

Published in the Recorder Herald 7/16 & 7/23/1981.

7-16-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

JUL 24 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 Rt. 74-2200

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 July 16, 1981 and ending with the issue dated July 23, 1981

Subscribed and sworn to before me, this twenty third

day of July, 1981

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

Publication Fee \$ 23.40

Application No. 17389
Permit No. 12074

APPLICATION FOR PERMIT 74-2200

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

District No. 79

1. Name of applicant: Floyd W. Hixon

Postoffice address: Salmon

County Lemhi

State: Idaho

I. If applicant is a corporation, give

- (a) Date and place of incorporation:
- (b) The amount of capital stock:
- (c) The amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:

2. The quantity of water claimed is $3 \frac{1}{5}$ cubic feet per second.

3. Source of water supply: Geertson Creek which is a tributary of Lemhi River.

4. Location of point of diversion: Lot 1 of Section 4, T. 21 N., R. 23 E.B.M.

County of Lemhi

5. To be used for: Irrigation and domestic purposes.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 60 acres.
(b) In the following legal subdivisions:

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:
(c) Is water to be returned to any stream?
point of return:

H. P. under ft. head
(d) If so, name stream and locate

6. Estimated cost of works: \$ 300.00

7. Description of works for diversion:

I. Kind of works: ditch and dam

II. Dimensions of works:

(a) Height of dam 2 feet, length of dam at top 20 feet,
length of dam at bottom 12 feet. Material used in construction: earth and
stone
(b) Capacity of reservoir acres feet. (c) Size of headgate, width 2 feet,
Height 2 feet. (d) ~~Conduit~~ Ditch: width at bottom $2\frac{1}{2}$ feet,
width at water line 4 feet, depth of water 1 feet; diameter of pipe
inches; average grade per mile is 12 feet. Length of conduit is 2 miles,
and it crosses the following quarter sections:

8. The time required for the completion of the construction of such work is 2 years.

9. Time required for the complete application of the water to the proposed use is 6 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Floyd W. Hixon,

Applicant.

By James W. Caples.

Agent.

Date of first receipt at office of State Engineer 9:00 A.M. March 30, 1916.

Returned to applicant for correction April 1, 1916

Corrected application received April 10, 1916.

APPROVAL OF STATE ENGINEER

The number of this permit is 12074.

Recorded in Book 41 Page 12074 Approved April 22, 1916

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of _____ to be filed on or before _____
Work to begin on or before June 21, 1916. and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 22, 1917

The whole of said work to be completed on or before April 22, 1918.

Beneficial use of water appropriated in accordance herewith, to be made on or before April 22, 1924.

Witness my hand this 22nd day of April, 1916.

J.H. Smith.

State Engineer.

Remarks:

14. The land to be irrigated is described in the following tabulation:

Land entered by Applicant (H.E.)

	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
Twp. Range Sec.	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 $\frac{1}{4}$	Totals.
21N. 23 E. 9			40-40-40-40-		160

Total Number of Acres to be irrigated - 160

15-(a) Is reservoir to be used? No.

The first mile and one half of this ditch will be a "High Water Channel" of Geertson Creek, as shown on maps herewith.

Permit No. 12074.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Floyd W. Hixon, of Salmon, County of Lemhi, and State of Idaho, the holder of Permit No. 12074, issued upon Application No. 17389, bearing date of priority of March 30, 1916, authorizing the diversion of 3.2 second feet of the waters of Geertson Creek which is a tributary of Lemhi River, County of Lemhi, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place, of intended use 3.2 second feet of the waters of Geertson Creek; that the point of diversion of said waters is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T. 21 N., R. 23 E., B. M., and that the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: SW $\frac{1}{4}$, Sec. 9, T. 21 N., R. 23 E., B. M.

Witness my hand this 22d day of April, A. D. 1918.

FRED A. WILKIE,

State Engineer of the State of Idaho.

License issued for 3.1 second feet

Page 3178

State of Idaho
License and Certificate of Water Right

Water License No. 12074
Water District No. 79-A

Amount 3.1 sec. ft.
Priority 3-30-1916

THIS IS TO CERTIFY that Floyd W. Hixon
of Salmon, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 30, 19 16; that Permit No. 12074
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.2 second feet, was issued thereunder on April 22, 19 18, showing that said works
were completed on the 22d day of April, 19 18; and that on the 22d
day of April, 1924,

Floyd W. Hixon
of Salmon, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Geertson Creek
, a tributary of Lemhi River, for the purpose of irrigation and
domestic use, under Use Permit No. 12074 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume 6 of Licenses, at page 3178, on the 21st day of July, 19 24,
The right hereby confirmed dates from March 30, 1916;

The Point of Diversion is located
in the NE 1/4 NE 1/4, Sec. 4, Tp. 21 N., R. 23 E., B. M.
County of Lemhi.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 3.1 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
21 N.	23 E.	9	SE ¹ / ₄ SW ¹ / ₄	40	40
			NE ¹ / ₄ SW ¹ / ₄	40	40
			NW ¹ / ₄ SW ¹ / ₄	40	40
			SW NE¹/₄ SW ¹ / ₄	40	35

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 21st day of July, 19 24.

W. G. SWENDSEN
Commissioner of Reclamation.

(SEAL)

PLEASE NOTE

This water right is currently involved in an adjudication procedure. Insure that the regional office is notified of any changes or correspondence.



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

September 13, 1983

74-2200

Bill Bramlette, Watermaster
Water District No. 74-A
P. O. Box 336
Salmon, ID 83467

Dear Mr. Bramlette:

Several issues associated with the watermaster's responsibilities in allocating water were recently brought to my attention while visiting Geertson Creek. Based upon the Department's obligation to oversee water distribution in the state and my assessment of the Geertson Creek water rights as they presently exist, I believe the following instructions to be appropriate.

Because of the status of pending transfers, the Bolton Ranch gravity pipeline is the first issue I wish to address. Transfer No. 2580 approved the pipeline as a diversion for rights 74-0006, 74-0007, 74-0918, and 74-2272. A proposed decision has been issued on a second transfer No. 2703 modifying the place of use for rights 74-0006, 74-0007, and 74-0619 to 193 acres irrigated under the sprinkler system. A field exam by Department personnel has confirmed the lands being sprinkled from the pipeline are those identified on the application and the number of acres corresponds to the number appurtenant to right 74-0006 and 74-0007. Since Bolton Ranch has filed an application to transfer the place of use for these water rights, and because it has been determined the application presents current practice without increasing the total number of acres irrigated or otherwise expanding the use of water, use of the pipeline will not injure downstream users. Right 74-0006 and 74-0007 should be delivered at the headworks for the pipeline.

There is a related question of how the channel commonly referred to as the "House Ditch" should be regulated. Bolton Ranch must install a lockable, controlling works and measuring device at the head of this ditch in the SE1/4SE1/4, Section 4, Township 21 North, Range 23 East, to comply with the conditions of approval for transfer No. 2581 of water right 74-2200. Bolton Ranch has historically diverted their domestic water from springs apparently associated with the "House Ditch" and this may be continued as long as water is available at that point. However, when there are no irrigation rights with a priority early enough to be

September 13, 1983

diverted at the diversion point of the "House Ditch", there may be no water in the springs for their domestic use.

The third issue concerns your responsibility to regulate diversions from James Steele Gulch. Because James Steele Gulch, which is a natural drain, serves as a ditch for delivery of right 74-2200 and collects water which would normally be tributary to the creek, its regulation has become an issue of dispute. I believe that any equitable method of distributing water from the gulch must consider water supplies and how it is being used. During those periods when sufficient water is available to fill right 74-2200, that portion of the draw above the section line common to Sections 9 and 16 will be considered a ditch and regulated at the diversion on Geertson Creek. After right 74-2200 has been cut, the irrigation waste water and spring flows should drain into the gulch in the NW1/4 corner of Section 16, Township 21 North, Range 23 East. The holder of right 74-2200 should be instructed to close off all the lateral ditches originating in the draw. This can essentially be accomplished with earth or canvas dams. However, if the lateral ditches are not otherwise closed according to your instructions, I will at your request, order the installation of locking headgates at each opening.

The fourth and final issue involves the exchange of water between Dale Jolley and Joseph Tonsmeire. Examination by Department personnel confirms there are water rights for the irrigated land owned by them. However, the place of use described by their respective water rights is different from the actual field boundaries established years ago. Though Mr. Tonsmeire and Mr. Jolley need to rectify those discrepancies, you should continue to deliver their rights at the designated headings. The arrangement between them appears to be similar to that existing between Vergil Olson and Verdell Olson, where they maintain separate diversions but combine the two streams into a common ditch.

Therefore, the water of Geertson Creek should be delivered according to the Green Book as set out in Mr. Young's August 2, 1983 letter with the exceptions discussed above including approved transfers and as the Green Book has been modified by a court approved stipulation involving the rate of diversion on right 74-0845.

Feel free to contact the Eastern Regional Office if you have questions concerning these matters.

Sincerely,



A. KENNETH DUNN
Director

AKD:BDF:rf

cc: All Geertson Creek Waterusers
Eastern Region

A copy of the letter dated September 13, 1983 sent to Bill Bramlette was also sent to each of the following waterusers on Geertson Creek

A. M. Santos
Rt. 1, Box 17
Salmon, ID 83467

Joe Tonsmeire
Rt. 1, Box 871
Salmon, ID 83467

Dale Jolley
Rt. 1, Box 15
Salmon, ID 83467

Bolton Ranches
Rt. 1, Box 14
Salmon, ID 83467

Vergil Olson
Rt. 1, Box 12
Salmon, ID 83467

Frank Cohl
Rt. 1, Box 17C
Salmon, ID 83467

Verdell Olson
Rt. 1, Box 17A
Salmon, ID 83467

MEMORANDUM

September 12, 1983

TO: Files 74-0006 and 74-2200

FROM: Bob Fleenor

RE: Bolton Ranch domestic water from "House Ditch"

Bolton Ranch diverts domestic (culinary) water from a perforated pipe that collects water from the underflow of the "House Ditch". Water has always been available at the domestic diversion since the "House Ditch" was used to deliver some of the ranch's early irrigation water. Now the earliest rights have been transferred to new points of diversion leaving only a high water right for irrigation to be delivered through the "House Ditch". Therefore, the Bolton Ranch domestic system may no longer have sufficient water to supply the ranch with water.

Alternatives available to resolve the loss of domestic water would be to move the point of diversion for domestic water to Geertson Creek; to transfer an older priority water right back to the "House Ditch" diversion point; to petition the court to include carrying water for the "House Ditch" in its decree; and others.

RECEIVED

MAR 14 1983

Ray W. Rigby
of RIGBY, THATCHER, ANDRUS,
BARTON & WALTERS, Chartered
Attorneys at Law
25 North Second East
Rexburg, Idaho 83440
Telephone: 208 356-3633

SDR *Flennor*

Department of Water Resources

I can't believe Rigby has seen the

Attorneys for Petitioners-Appellants *Proposed decision.*

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

VERGIL OLSON and VERDELL OLSON,)
)
Petitioners-Appellants,)
)
vs.)
)
A. KENNETH DUNN, Director,)
Idaho Department of Water)
Resources,)
)
Respondent-Defendant.)

Case No. _____
NOTICE OF APPEAL AND
PETITION FOR JUDICIAL
REVIEW

-----)
IN THE MATTER OF PROTEST AGAINST)
APPROVAL OF APPLICATION FOR)
TRANSFER OF WATER RIGHT NO.)
74-2200 IN THE NAME OF BOLTON)
RANCHES, INC.)
-----)

COMES NOW, Vergil Olson and Verdell Olson and appeal
to this court from a final order of the Director of the Idaho
Department of Water Resources issued in the above referenced
proceeding. This appeal and petition for additional review is
made pursuant to Rule 83, I.R.C.P. and I.C. 42-1701A and
67-5215.

I.

This appeal is taken from a final administrative order
issued by the Director of the Idaho Department of Water
Resources dated February 9, 1983, and served by mail on Febru-
ary 14, 1983.

II.

This appeal is properly before the District Court of
the Seventh Judicial District of Idaho.

III.

This appeal is taken from the following decision and order: Order Adopting Proposed Memorandum Decision and Order dated February 9, 1983. A copy of the action appealed from is attached to petitioners' Notice of Appeal and Petition for Judicial Review.

IV.

The Order Adopting Proposed Memorandum Decision and Order referenced above approved the Bolton's application for change in points of diversion of certain alleged rights on Geertson Creek, No. 74-2200.

V.

The petitioners are entitled to appeal since they filed a protest to the application, actively participated in the proceedings and are aggrieved by the final decision in this contested case. The petitioners have exhausted all administrative remedies in this proceeding.

VI.

This appeal is taken upon matters of law and fact.

VII.

The hearing in this contested case was held before a hearing officer of the Idaho Department of Water Resources in Salmon, Idaho, on October 29, 1981. The proceeding was recorded on tape. The tapes and the rest of the administrative record are in the custody of the Department of Water Resources.

VIII.

The petitioners seek judicial review of and reversal of said decision and order, and a trial de novo in the District Court on the following grounds:

1. Petitioners did not waive their rights to a proposed decision under the Administrative Procedure Act. The action of the Director of February 9, 1983, is premature. A proposed decision should issue. *APR decision issued*
2. The action of the Director is contrary to law. Sections 42-108 and 42-222 require that a party gain prior approval to change a point of diversion or place of use. The evidence is uncontradicted that the Bolton application proposes to retain the diversion in Lot 1, Section 4, Township 21 North, Range 23 East, Boise Meridian, delete *This right being changed existing & some existing other w.r.*

the diversion in the Northwest Quarter Northeast Quarter, Section 9, and add two new points of diversion in the Southwest Quarter Northeast Quarter and the Northwest Quarter Southeast Quarter of Section 9, Township 21 North, Range 23 East, Boise Meridian, Lemhi County.

3. There is no competent and probative recommendation of the watermaster on the application for transfer as required by Section 42-222. The watermaster did attend the hearing on the protest. *His record is hereby the application transfer*

4. There was confusion as to the procedure to be followed, because this matter was involved in other matters by the same parties, and consequently Petitioners-Appellants were not properly advised nor given timely notice of said hearings and said hearings were not sufficiently identified with the result that Petitioners-Appellants were not able to present all of the evidence that is necessary for a total consideration of this matter, and therefore the Court should either hold a trial de novo on the entire matter or order that the matter be reopened before the Department of Water Administration for the taking of additional testimony before review by the District Court. *Should have been no since have not*

IX.

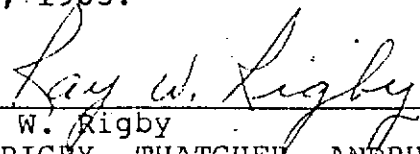
The respondent Department of Water Resources is requested to certify with this court the entire record of this matter, including all testimony and exhibit and to prepare and file a transcript of the hearing held in Salmon, Idaho, on October 29, 1981, before a hearing officer. *not allowed under present statute*

X.

Upon settlement of the transcript and filing of the transcript and record, this court should order a briefing schedule. Petitioners request oral argument on this appeal.

WHEREFORE, Petitioners pray that this court judicially review the above matter; that the aforementioned actions be set aside as being contrary to law; and that the Director's decision and order be reversed, that the District Court hold a trial de novo on the matter, or in the alternative that the court order that the Department reopen the administrative hearing for the purpose of taking further evidence and testimony, and for any and such other relief as may be justified.

DATED This 10th day of March, 1983.


Ray W. Rigby
of RIGBY, THATCHER, ANDRUS,
BARTON & WALTERS, Chartered
Attorneys for Petitioners-
Appellants

STATE OF IDAHO,)
 ss.
County of Madison.)

VERGIL OLSON and VERDELL OLSON, each for himself being
duly sworn, states as follows:

That he is one of the Petitioners-Appellants in the
foregoing Notice of Appeal and Petition for Judicial Review;
that he has read the complaint, and the facts therein stated
are true to the best of his knowledge.

Vergil O. Olson
Vergil Olson

Verdell Olson
Verdell Olson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 10th day of March, 1983,
a true and accurate copy of the foregoing was sent by U.S.
Mail, postage prepaid to the following:

Bolton Ranch, Inc.
c/o Dave Logan
Route 1, Box 14
Salmon, ID 83467

Sherman F. Furey, Jr.
FUREY & FUREY
P. O. Box 1127
Salmon, ID 83467

A. Kenneth Dunn
Director
Department of Water Resources
State House
Boise, ID 83720

Ray W. Rigby
Ray W. Rigby

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SECOND REVISED SCHEDULE OF WATER RIGHTS

PAGE 7

1/15/87

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
74-2200	BOLTON RANCH INC. RT. 1 BOX 14 SALMON, ID 83467 SOURCE: GEERTSON CREEK REMARKS: DIVERSIONS INCLUDE G-3 AND G-6 POINT OF DIVERSION: T21N R23E S04 LT01(NENE) SESE PLACE OF USE: IRRIGATION T21N R23E S09 NESW 39 NWSW 6 SWSW 27 SESW 38 SWSE 4 114 ACRES TOTAL	03-30-1916	IRRIGATION	04-01 11-01	3.10 CFS	LICENSE
74-2203	JOLLEY, E. DALE JOLLEY, MILDRED H. RT. 1 BOX 15 SALMON, ID 83467 SOURCE: GARY CREEK REMARKS: IRR. AC. = 11.2. POINT OF DIVERSION: T22N R23E S34 NENE PLACE OF USE: IRRIGATION T22N R23E S34 NESE 1 NWSE 10 11 ACRES TOTAL	08-09-1916	IRRIGATION	04-01 11-01	.40	LICENSE

INTER-DEPARTMENT MEMO — 1

FROM: CHERYL

DATE 10-8-5

TO: FILE

SUBJECT

74-0006 WA

0007

0918

2272 ✓

HEARING TAPES FOR THESE FILES CAN BE FOUND IN

RT 74-0006

CW

SIGNATURE

IDENT. NO. 74-200

WATER RIGHT
DATA ENTRY LOG

[illegible]

February 14, 1983

Bolton Ranches, Inc.
c/o Dave Logan
Rt. 1, Box 14
Salmon, ID 83467

Gentlemen:

Re: Application for Transfer of Water Right No. 74-2200

Enclosed is a copy of Proposed Memorandum Decision and Order, a copy of the Order Adopting the Proposed Memorandum Decision and Order and a copy of the approved application. Be sure to note the conditions of approval as presented on the Proposed Memorandum Decision and Order.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days, or may appeal directly to the district court within thirty (30) days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Verdel Olson
Vergil Olson
Sherman F. Furey

January 4, 1982

Sherman F. Furey, Jr.
FUREY & FUREY
P. O. Box 1127
Salmon, ID 83467

Dear Sherm:

Re: Application for Right No. 74-2200 (Bolton Ranches, Inc.)

This office received your letter of December 13, 1982 clarifying the exceptions you previously filed to the proposed decision in the above-referenced matter. We are now in agreement that the channel in question is a ditch. Based on this agreement, we will soon issue a final decision on the application for a change of water right No. 74-2200.

With respect to the past domestic use from Geertson Creek referred to in your letter, a search of water rights in the proposed finding (Green Book) turned up water right No. 74-0618 on page 197. This right is for year-around domestic use for three homes from springs located in SWNE, Sec. 9, Twp. 21N, Rge. 23E, B.M. We would point out that this right exists since it was not in contention during discussions of the Geertson Creek stipulation and may have been overlooked as a solution to the domestic use problem.

The only other solution we see to the domestic use concern you expressed would be to change the nature of use of one of the existing Bolton water rights to a domestic or stockwater use. Such a proposed change, however, could only be approved if, in fact, there were a change from one use to another, not simply the addition of use to an existing right.

If I can be of further assistance, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Office Bureau

BDF:rf

RECEIVED

FUREY & FUREY

ATTORNEYS AT LAW

116 N. CENTER STREET, P. O. BOX 1127

SALMON, IDAHO 83467

DEC 16 1982

Department of Water Resources
(208) 756-4655

SHERMAN F. FUREY, JR.
SHERMAN F. FUREY, III

December 13, 1982

Mr. Bobby D. Fleenor
Chief, Regional Offices Bureau
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Application for transfer of Right No. 74-2200
Bolton Ranches, Inc.

Dear Bob:

This will respond to your letter of December 6, 1982.

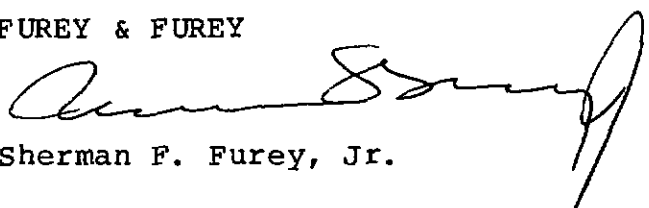
Where your file indicates that the channel is a ditch rather than a natural channel Bolton Ranch, Inc., will agree with your interpretation.

However, this concession does create a potentially serious problem for Bolton Ranches. This ditch has historically been treated as a natural channel of Geertson Creek and this has been true since the original Bolton homestead was taken up in 1881. This ditch has been the source of the domestic water supply for homes on the Bolton Ranches through all the years since 1881 and it is the potential loss of this source that is causing my clients considerable concern now. The ditch also flows through five different Bolton corrals below the Bolton homes and then return flows into Geertson Creek. Mr. Logan tells me that the flow into the diversion from Geertson Creek and the return flow lower down below the Bolton Ranches was measured some years ago by Mr. Loy Johnson of your department and it was determined at that time that the return flow was greater than the diverted flow.

In any event, the Boltons would certainly appreciate anything that can be done to insure that at all times during the year there will be a sufficient continuous flow in this ditch to supply the domestic needs of the Bolton homes. Mr. Logan estimates that this would require a minimum of 1 to 1.5 cfs. He states that the usual minimum flow through this stream through all the years has been between 2 and 2.5 cfs.

Sincerely yours,

FUREY & FUREY


Sherman F. Furey, Jr.

SFF:ga

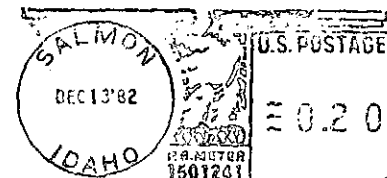
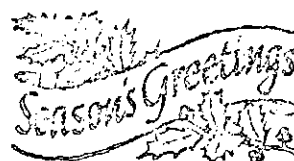
cc: Mr. Dave Logan

FUREY & FUREY

ATTORNEYS AT LAW

116 N. CENTER STREET, P. O. BOX 1127

SALMON, IDAHO 83467



Mr. Bobby D. Fleenor
Chief, Regional Offices Bureau
Department of Water Resources
Statehouse
Boise, ID 83720

December 6, 1982

Sherman F. Furey, Jr.
FUREY & FUREY
P. O. Box 1127
Salmon, ID 83467

Dear Sherm:

Re: Application for Transfer of Right No. 74-2200
(Bolton Ranches, Inc.)

Your response to our September 21 letter (copy enclosed) has not been received.

Do you agree that the problem is one of interpretation or is there a disagreement with the factual issues?

Please send us your comments so that we will be able to consider them when reaching a final decision in this matter. If your comments aren't received by December 20, we will consider the Exceptions to the Proposed Decision you submitted on August 13, and final action will be taken by the Director shortly following that date.

Let us know if you have any questions.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

BDF:rf

Enclosure

September 21, 1982

Sherman F. Furey, Jr.
FUREY & FUREY
P. O. Box 1127
Salmon, ID 83467

Dear Sherm:

Re: Application for Transfer of Right No. 74-2200
(Bolton Ranches, Inc.)

In reviewing the exceptions you filed in connection with the Proposed Memorandum Decision and Order (hereafter decision) for the above referenced application for transfer, it appears that there may be an interpretation problem rather than a problem with issues. In that regard, I will attempt to more fully explore the portions of the decision to which you take exception. Reference will be made to the enclosed photo copy of department maps prepared during the Lemhi River Adjudication.

The application for transfer and your first exception now suggest that the conveyance system designated on the enclosure as G-6 in the SESE, Sec. 4, Twp. 21N, Rge. 23E and marked on the enclosure as a ditch is a natural channel of Geertson Creek. This does not appear to be consistent with past representations and findings for several reasons:

- a) This tract (SESE, Sec. 4, Twp. 21N, Rge. 23E) is the point of diversion for water right Nos. 74-0007, 74-0619 and 74-0918 as originally claimed in the adjudication proceeding and as stipulated to in the past proceedings to resolve protests to the Lemhi River Adjudication Proposed Findings on Geertson Creek.
- b) The USGS quadrangle sheets do not depict a natural channel as now suggested.
- c) The affidavits dated 1973 on file with the department are accompanied by a map which designates a diversion structure at the heading in the SESE, Sec. 4, Twp. 21N, Rge. 23E.

Sept. 21, 1982

- d) A portion of the stream of water originating at Div G-6 travels thru what has previously been represented to the department as the "House Ditch". This ditch is so designated on the enclosure and is depicted by a dashed line. Note that the dashed line intersects the channel of Geertson Creek referred to in the affidavits in the NWSE, Sec. 9, Twp. 21N, Rge. 23E.

With respect to objection #2, the application for transfer proposes a diversion in the NW1/4SE1/4, Sec. 9, Twp. 21N, Rge. 23E. The department in its decision has approved a diversion in this tract; said diversion being on the side channel described in the 1973 affidavits.

Objection #3 appears to again go to the question of whether the diversion marked as G-6 on the attachment is a natural channel or a ditch. This has been discussed above in connection with exception #1.

In summary, it appears the applicant now contends that the conveyance system marked as G-6 is a natural channel rather than a ditch. If this is the case, another field examination by the department will not resolve the issue. Administrative remedies would appear to be more in order to clarify past representations.

Please advise me if I have interpreted your objections properly or if I have misunderstood the point you are making.

Your clarification and response to this letter will provide guidance in our successive determination and action relative to the final Memorandum Decision and Order.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

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	)	EXCEPTIONS TO
OF WATER RIGHT NO. 74-2200 IN THE	)	PROPOSED DECISION
NAME OF BOLTON RANCHES, INC.	)	
	)	

Pursuant to the Department's Order dated July 28, 1982, Bolton Ranch, Inc., through its undersigned attorney, files its exceptions to Proposed Memorandum Decision and Order dated July 23, 1982, on the grounds and for the reasons that there are inaccuracies and ambiguities in said Proposed Memorandum Decision and Order as follows:

1. In the fifth full paragraph on Page 2 of the Proposed Memorandum Decision and Order (hereinafter "Decision") it is incorrectly and inaccurately stated in the last sentence thereof that--

"The ditch, however, terminates in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 21 N., Rge. 23 E. rather than returning to the creek as indicated on the application."

whereas in truth and in fact said stream does not terminate as stated but rather return flows into Geertson Creek at approximately the described location; further, the reference to said stream as a "ditch" is incorrect in that said stream is and always has been a natural channel tributary to Geertson Creek.

2. In Paragraph 1(b) of the Order portion of said Decision it is incorrectly stated that the diversion referred to is from the natural channel therein described whereas in truth and in fact said diversion is from a second natural channel which is incorrectly referred to as a ditch in the fifth full paragraph on Page 2 of the Decision referred to in subhead 1 hereinabove.

3. Paragraph 1(c) of the Order portion of said Decision incorrectly locates said point of diversion in that the stream from which said diversion should be made is a

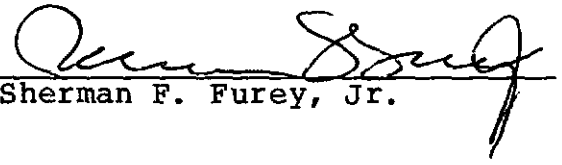
True
natural channel rather than a ditch and the correct location of said point of diversion is and should be--

SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 9, Twp. 21 N., Rge. 23 E.B.M.

appears to be true but supervisor prob.?
In view of the questions herein raised as to the character of the above mentioned stream as a "ditch" or as a "natural channel" it is requested that before rendering a final decision on these exceptions that the Department conduct a field examination of the area in question for the purpose of determining the physical characteristics and appearance of the stream in question.

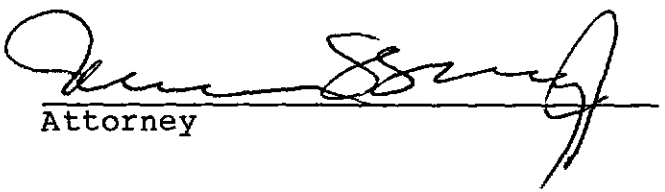
DATED: August 9, 1982

FUREY & FUREY

By: 

Sherman F. Furey, Jr.

I CERTIFY That on this 9th day of August, 1982, I mailed a true copy of Exceptions to Proposed Decision to Vergil O. Olson at Route 1, Box 12, Salmon, Idaho 83467, and Verdell Olson at Salmon, Idaho 83467, by depositing the same in the U.S. Mail, postage prepaid.


Attorney

FUREY & FUREY

ATTORNEYS AT LAW

116 N. CENTER STREET, P. O. BOX 1127

SALMON, IDAHO 83467

Department of Water Resources
Statehouse
Boise, Idaho 83720

SHERMAN F. FUREY, JR.
SHERMAN F. FUREY, III

FUREY & FUREY
ATTORNEYS AT LAW
112 N. CENTER - P. O. BOX 1127
SALMON, IDAHO 83467
August 9, 1982

(208) 756-2577

RECEIVED

AUG 13 1982

Department of Water Resources

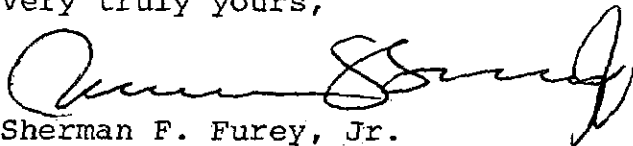
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Application for Transfer of Water Right No. 74-2200
(Bolton Ranches, Inc.)

Gentlemen:

Please file the enclosed Exceptions to Proposed Decision.

Very truly yours,


Sherman F. Furey, Jr.

SFF:si
Enclosure
cc: Mr. Vergil Olson
Mr. Verdell Olson
Bolton Ranch, Inc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

1. Right number 74-2200 Applicant Balter Ranch

2. Type of right: ☒ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

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 NA.

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NA.

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

If yes, what district? 74-A

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 7/9/81 Received on 7/31/81

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* See Proposed Memorandum Decision & Order.

4. By Ernest Carver Date May 25, 1982

RECEIVED
MAY 27 1982



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

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

10/16/81

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

74-2200/0006

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☐ Show to whom and date delivered..... \$
☒ Show to whom, date and address of delivery..... \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered..... \$
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Bailew Ranch Inc
Rt #1 Box 14
Salmon, Id

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12800	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Merry B Logan

4. DATE OF DELIVERY
 OCT 13 1981

POSTMARK
 SALMON, ID
 OCT 13
 10:00 AM
 100000

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOU? AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

**RETURN
TO**



RECEIVED

OCT 15 1981

Department of Water Resources
Eastern District Office

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

74-220

① **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☐ Show to whom and date delivered. c
☒ Show to whom, date and address of delivery. c
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered. c
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery. \$ ____

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**
Virgil Olson
Rt # 1, Box 12
Salmon, Id.

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12801	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. **DATE OF DELIVERY**
OCT 14 1981

5. **ADDRESS (Complete only if requested)**

6. **UNABLE TO DELIVER BECAUSE:**
Virgil O. Olson

POSTMARK
 OCT 14 1981
 CLEARING
 1143478

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RETURN

TO



OCT 15 1981

RECEIVED

Department of Water Resources
Eastern District Office

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

**RETURN
TO**

Department of Water Resources
Eastern District Office

OCT 15 1981

RECEIVED

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

74-220067

1. SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

2. The following service is requested (check one):

☐ Show to whom and date delivered.....\$

☒ Show to whom, date and address of delivery.....\$

☐ RESTRICTED DELIVERY
Show to whom and date delivered.....\$

☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery.\$

(CONSULT POSTMASTER FOR FEES)

3. ARTICLE ADDRESSED TO:
Mae Ankrum
Rt #1 Box 47
Salmon Id

4. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12803	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Mae Ankrum

5. DATE OF DELIVERY
OCT 14 1981

6. ADDRESS (Complete only if requested)

7. UNABLE TO DELIVER BECAUSE:

8. CLERK'S INITIALS
AC

POSTMARK
 SALMON ID
 OCT 14 1981

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete Items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$200



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RECEIVED

OCT 14 1981

RETURN
TO
Department of Water Resources
Eastern District Office



PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

74-2200

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

☐ Show to whom and date delivered.....¢

☒ Show to whom, date and address of delivery...¢

☐ RESTRICTED DELIVERY
Show to whom and date delivered.....¢

☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.\$____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Wardell Olson
Salmon, Id.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12802	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. *Wardell Olson*

DATE OF DELIVERY
OCT 13 1981

POSTMARK
OCT 13 1981

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS
[Signature]

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

Department of Water Resources
Eastern District Office
OCT 15 1981

RETURN
TO



74-2200

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

① SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☐ Show to whom and date delivered.....\$
☒ Show to whom, date and address of delivery...\$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....\$
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.\$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Fred Snook
P.O. Box 1227
Salmon, Id

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12804	

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
Ed Allen

4. DATE OF DELIVERY
 OCT 13 1981

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS
LC

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUF AVE.Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ CertifiedI certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

ACCEPTANCE OF REGISTERED, INSURED, COD, AND CERTIFIED MAIL

PS Form 3877, Sept. 1973

LINE NO.	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	12795	Kleyd O'Back, P.O. Box 451, Salmon	18	75				60				74-7092
2	12796	Ivan L Jones, Box 28, Tumbler	"	"				"				74-7094
3	12797	Carol B. Hill, 44 Montgomery Ave. Tumbler	"	"				"				74-0408
4	12798	Wmward H. Berlin, P.O. Box 121, Challis	"	"								75-726
5	12799	Miley, Lewis, Box 881, Salmon	"	"								"
6	12800	Baxter, Lamb, Rt #1, Box 14, Salmon	"	"								44-2209
7	12801	Wigley Olson, Rt #1, Box 13, Salmon	"	"								74-0006
8	12802	Wendell Olson, Salmon, Id	"	"								"
9	12803	Neil Lakrum, Rt #1, Box 47, Salmon	"	"								"
10	12804	Fred Innot, P.O. Box 1227, Salmon	"	"								"
11	12805	Thomas, Rogers, P.O. Box 899, Salt Lake	"	"								13-7300
12												
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 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.			
11			11			C.B.R.						

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

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

IN THE MATTER OF APPLICATION FOR TRANSFER	}	COMBINED
NO. 74-2200 AND 74-0006/0007/0918/2272 IN		NOTICE OF HEARING
THE NAME OF BOLTON RANCH, INC.		AND/OR CONFERENCE

On July 1, 1981, Bolton Ranches, Inc. filed with the Department of Water Resources two applications to transfer the public waters of the State of Idaho. On August 3, 1981, the Department received protests against approval of said applications from Vegil O. Olson and Verdell Olson.

The Department has set the matter of protest for hearing for Thursday, October 29, 1981, at 9:00 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 42-222, 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?

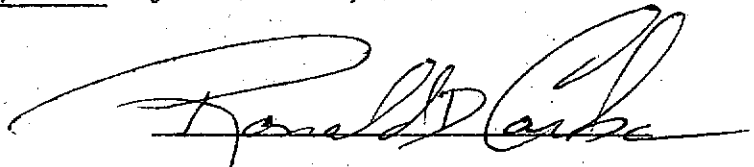
Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A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

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

August 5, 1981

RE: Application for Transfer No. 74-2200
No. 74-0006/0007/0918/2272

Bolton Ranch Inc.
Rt. #1, Box 14
Salmon, Idaho 83467

Gentlemen:

Enclosed please find a copy of the protest filed against the above referenced applications. 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

Enclosure

August 5, 1981

RE: Application for Transfer No. 74-2200
74-0006/0007/0918/2272 BOLTON RANCHES

Verdell Olson
Salmon,
Idaho 83467

Dear Mr. Olson:

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

cc: IDWR - State Office

August 5, 1981

RE: Application for Transfer No. 74-2200
78-0006/0007/0918/2272 BOLTON RANCHES

Vergil O. Olson
Rt. #1, Box 12
Salmon, Idaho 83467

Dear Mr. Olson:

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

AUG 3 - 1981

Department of Water Resources
Eastern District Office

Salmon Lda Co

July 31, 1981

Water Dept State of Ida Ho
to Whom it may concern.

Dear Sirs:

~~We~~ I am objecting to the change
of point of diversion off Bolton Pass
Creek.

a. The point of diversion being
sought is now in the pass of B.L.M.
Ground.

B. He has never got a permit
to change his water to this point
of diversion by filling ditches at
least $\frac{1}{2}$ mile below the point of
diversion by use now.

C. If this point of diversion
is granted it will ~~for~~ evict all
the users on Bolton Creek.

The rights object to is following
Nos: 74-0006 - 74007 - 740918 - 742272

Other rights include 74-2200 -

Some of these rights is still
being contested in courts until these
and the trespass on the pipe line is
settled and this can be brought
up in a water meeting by the users
of Bolton Creek of ask that these
changes be revoked.

Virgil O. Olson

Salmon, Idaho
July 31, 1981

Water Dept State of Idaho

Dear Sir:

I protesting the change ~~the~~ of point of diversion that Bolton Ranches Inc. are filing the following numbers.
74-0006; 740007; 740918, 74 22 72; 74-2200 -

- A. Never got a permit to move the ditches diversions in the first place.
- B. If the points of diversion are changed it will greatly affect all the rest of the users on Sheetsen Creek
- C. Some of these rights is still being contested in the courts there is a trespassing action on the pipe line and I think that the requests should be revoked until this matter is settled

RECEIVED

AUG 3 1981

Department of Water Resources
Eastern District Office

Verdell Olson
July 31, 1981

Identification No. 74-2200

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, NIEL ANKRUN, watermaster of GEERTSON CREEK,
of Water District No. 74-A, County of LEMHI, State of Idaho,
whose address is Rt. 1, Box 47, Salmon, Idaho 83467,
have read the attached copy of the application for transfer of water right for
Bolton Ranch Inc., 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 Salmon, Idaho, this 29 day of July, 1981.

Niel Ankrun
(Signature)

RECEIVED

JUL 31 1981

Department of Water Resources
Eastern District Office

RECEIVED
JUL 31 1981

July 9, 1981

RE: Applications for Transfer of Water Rights Nos. 74-2200 and 74-0006,
74-0007, 74-0918 & 74-2272 BOLTON RANCH INC.

Neal Ankrum
Watermaster
Water District No. 74A
Route #1, Box 47
Salmon, ID 83467

Dear Mr. Ankrum:

Enclosed please find copies 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 August 3, 1981.

Thank you for your cooperation in this matter.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 74-2200

Notice is hereby given that Bolton Ranch, Inc., Salmon, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Geertson Creek tributary to Lemhi River. The right sought to be changed is evidenced by License No. 74-2200 and is recorded as follows:

AMOUNT: 3.1 cfs

PRIORITY: 3/30/1916

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; Lot 1, Sec. 4; Twp. 21N, Rge. 23E, Lemhi County.

The water is used for irrigation purposes from April 1 to November 1 within the SW $\frac{1}{4}$, Sec. 9, Twp. 21N, Rge. 23E, for 109.7 acres.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9; Lot 1, Sec. 4; Twp. 21N, Rge. 23E, Lemhi County.

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, 83402 on or before August 3, 1981.

A. KENNETH DUNN

Director

Published in the Recorder-Herald 7/16 & 7/23/1981:

RECORDED
7/23/81

Snook & Snook

ATTORNEYS AT LAW
SNOOK BUILDING
SALMON, IDAHO 83467

FREDERICK HUGHES SNOOK
FREDERICK HAMILTON SNOOK

RECEIVED

JUL 6 1973

TELEPHONE
AREA CODE 208
Department of Water Administration
P. O. BOX 1227

July 5, 1973

State of Idaho
Department of Water Administration
Statehouse Annex 2
Boise, Idaho

Attention: Glen Saxton

RE: Geertson Creek - Virgil Olson

Dear Mr. Johnson:

Mr. Virgil Olson has requested that we contact your office to request a photo copy of Mr. Olson's water filings on Geertson Creek. Virgil has misplaced his pink slips, and would like copies of his filings if possible.

If there is any charge for these copies, please send your statement directly to Virgil.

Sincerely yours,

FRED SNOOK

FS/cb

Sent
July 6, 73
jss

RECEIVED

AFFIDAVIT

STATE OF IDAHO

County of Bingham --SS

Parley A. Arave, being first duly sworn according to law,
deposes and says:

That during the month of May, 1947, at the Clyde Starr Ranch
on Coertson Creek in Latah County, State of Idaho, there was a
meeting at which the Chief Officer of the Department of Reclamation
was present and the purpose of the meeting was for the said officer
to personally inspect the water and irrigation system for the Clyde
Starr Ranch and said officer stated in my presence that the channel
in question was a tributary of Coertson Creek and the water conveyed
therein was not to be charged against the Clyde Starr Ranch and was
not to be shut off inasmuch as it was a definite channel and trib-
utary of the said Coertson Creek. (legal description attached)

The persons who were present with said Chief Officer of the
Department of Reclamation at said time and place included:

Herb Aldous, Anthony Santos, Clyde Starr, Bill Bolton,
Lynn Arave and Parley Arave, and LaVar Prestwich.

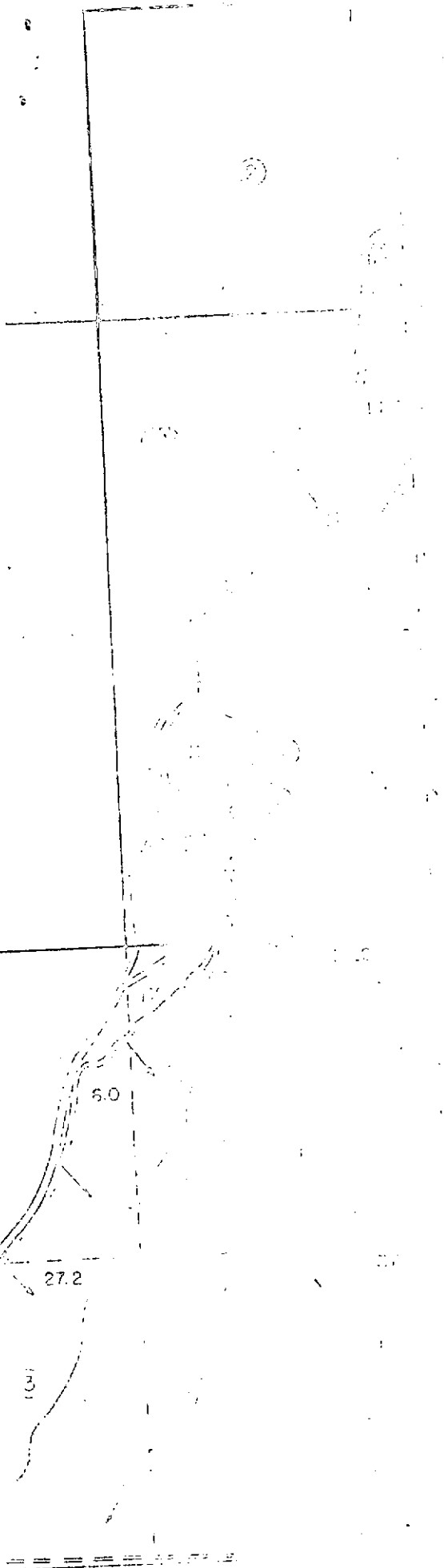
Parley A. Arave
Subscribed and sworn to before me this 3rd day of July,
1973.

David L. Hartert
Notary Public for Idaho, Residing at: **DAVID L. HARTERT**
Notary Public Residing at Idaho Falls, Idaho
My Commission Expires March 1, 1975

"EXHIBIT A"

CLYDE STARR RANCH CHANNEL, Coatsen Creek, Latah County, Idaho:

Channel starting in the N $\frac{1}{2}$ of Section 9, Township 21 North,
Range 23 E., Boise Meridian, and running through the SW $\frac{1}{4}$ of
said Section 9 and ending in the NW $\frac{1}{4}$ of said Section 9.



Section
Nine (9)

Section
Nine (9)

Return
To
Main
Creek

Map
Line

AFFIDAVIT

STATE OF IDAHO

County of Lemhi --SS

HERB ALDOUS, being first duly sworn according to law,
deposes and says:

That during the month of May, 1947, at the Clyde Starr Ranch on Geertson Creek in Lemhi County, State of Idaho, there was a meeting at which the Chief Officer of the Department of Reclamation was present and the purpose of the meeting was for the said officer to personally inspect the water and irrigation system for the Clyde Starr Ranch and said officer stated in my presence that the channel in question was a tributary of Geertson Creek and the water conveyed therein was not to be charged against the Clyde Starr Ranch and was not to be shut off inasmuch as it was a definite channel and tributary of the said Geertson Creek. (legal description attached)

The persons who were present with said Chief Officer of the Department of Reclamation at said time and place included:

Herb Aldous, Anthony Santos, Clyde Starr, Bill Bolton, Lyman Arave and Parley Arave, and LaVar Prestwich.

Herb Aldous
Subscribed and sworn to before me this 2nd day of July
1973.

Howard L. Jackson
Notary Public for Idaho, Residing at: Salmon, Idaho



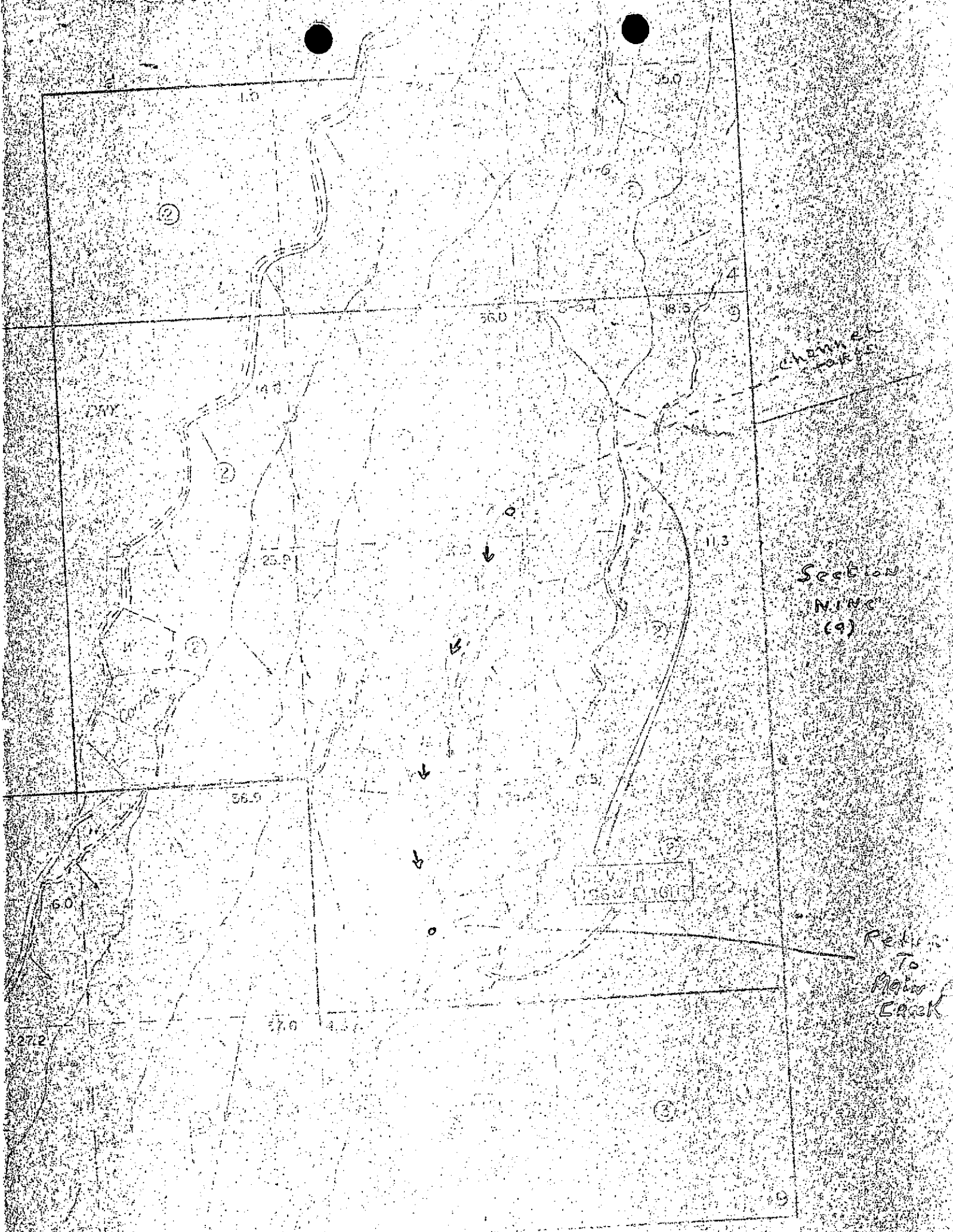
"EXHIBIT A"

CLYDE STARR RANCH CHANNEL, Geertson Creek, Lemhi County, Idaho:

Channel starting in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 9, Township 21 North,
Range 23 E., Boise Meridian, and running through the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of
said Section 9 and ending in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.

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RECORDED
MICROFILMED



Section
NINE
(9)

Ret. To
Main
Creek

SECTION
NINE (9)

4E-1.17
P 114
100

RECEIVED

A F F I D A V I T

STATE OF IDAHO

County of Lemhi --SS

Clyde G. Starr, being first duly sworn according to law,
deposes and says:

That during the month of May, 1947, at the Clyde Starr Ranch on Geertson Creek in Lemhi County, State of Idaho, there was a meeting at which the Chief Officer of the Department of Reclamation was present and the purpose of the meeting was for the said officer to personally inspect the water and irrigation system for the Clyde Starr Ranch and said officer stated in my presence that the channel in question was a tributary of Geertson Creek and the water conveyed therein was not to be charged against the Clyde Starr Ranch and was not to be shut off inasmuch as it was a definite channel and tributary of the said Geertson Creek. (legal description attached)

The persons who were present with said Chief Officer of the Department of Reclamation at said time and place included:

Herb Aldous, Anthony Santos, Clyde Starr, Bill Bolton, Lyman Arave and Parley Arave, and LaVar Prestwich.

Subscribed and sworn to before me this 2nd day of July,
1973.

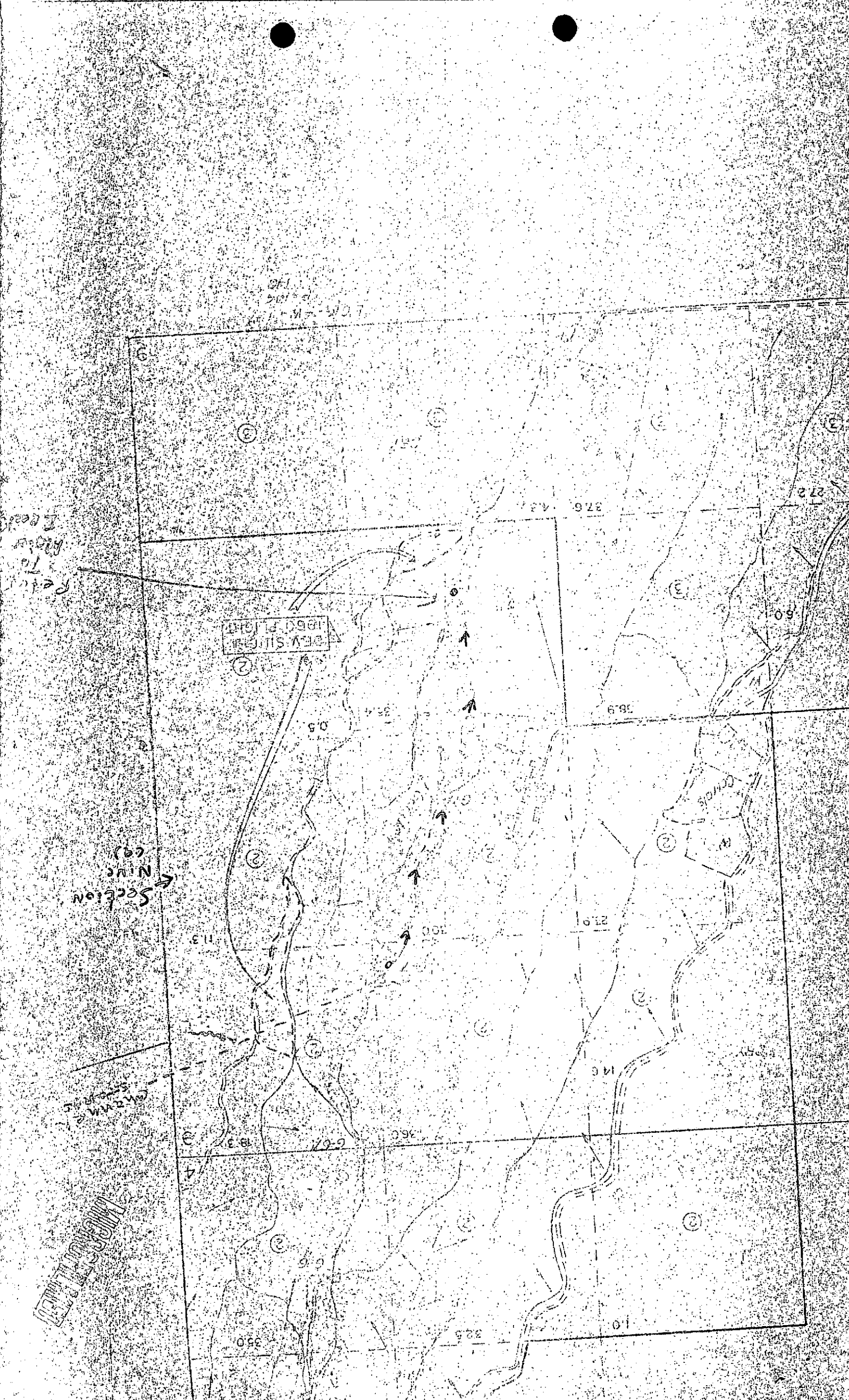
Notary Public for Idaho, Residing at: SALMON, IDAHO

My commission expires
2-19-74

"EXHIBIT A"

CLYDE STARR RANCH CHANNEL, Geertson Creek, Lemhi County, Idaho:

Channel starting in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 9, Township 21 North,
Range 23 E., Boise Meridian, and running through the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of
said Section 9 and ending in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.



AFFIDAVIT

STATE OF IDAHO

County of Lemhi --SS

Anthony Santos, being first duly sworn according to law,
deposes and says:

That during the month of May, 1947, at the Clyde Starr Ranch on Geertson Creek in Lemhi County, State of Idaho, there was a meeting at which the Chief Officer of the Department of Reclamation was present and the purpose of the meeting was for the said officer to personally inspect the water and irrigation system for the Clyde Starr Ranch and said officer stated in my presence that the channel in question was a tributary of Geertson Creek and the water conveyed therein was not to be charged against the Clyde Starr Ranch and was not to be shut off inasmuch as it was a definite channel and tributary of the said Geertson Creek. (legal description attached)

The persons who were present with said Chief Officer of the Department of Reclamation at said time and place included:

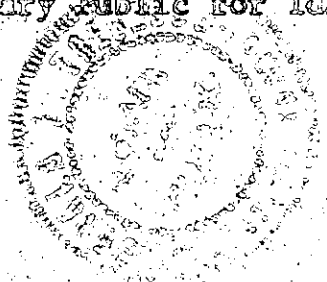
Herb Aldous, Anthony Santos, Clyde Starr, Bill Bolton, Lyman Arave and Parley Arave, and LaVar Prestwich.

Anthony Santos

Subscribed and sworn to before me this 2nd day of July, 1973.

David L. Chisell

Notary Public for Idaho, Residing at: Salmon Idaho



"EXHIBIT A"

CLYDE STARR RANCH CHANNEL, Coertson Creek, Lemhi County, Idaho:

Channel starting in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 9, Township 21 North,
Range 23 E., Boise Meridian, and running through the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of
said Section 9 and ending in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.

2

← Section
Nine
(9)

Return
To
Main
Creek

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UNRECORDED

AFFIDAVIT

STATE OF IDAHO

County of Lemhi --38

Bill Bolton, being first duly sworn according to law,
deposes and says:

That during the month of May, 1947, at the Clyde Starr Ranch
on Geertson Creek in Lemhi County, State of Idaho, there was a
meeting at which the Chief Officer of the Department of Reclamation
was present and the purpose of the meeting was for the said officer
to personally inspect the water and irrigation system for the Clyde
Starr Ranch and said officer stated in my presence that the channel
in question was a tributary of Geertson Creek and the water conveyed
therein was not to be charged against the Clyde Starr Ranch and was
not to be shut off inasmuch as it was a definite channel and trib-
utary of the said Geertson Creek. (legal description attached)

The persons who were present with said Chief Officer of the
Department of Reclamation at said time and place included:

Herb Aldous, Anthony Santos, Clyde Starr, Bill Bolton,
Lyman Arave and Parley Arave, and LaVar Prestwich.

Bill Bolton
Subscribed and sworn to before me this 2nd day of July,
1973.

Howard L. Dubois
Notary Public for Idaho, Residing at: Salmon, Idaho

CLYDE STARO RANCH CHANNEL, Geertson Creek, Lemhi County, Idaho:

Channel starting in the NE¹/₄ of Section 9, Township 21 North, Range 23 E., Bolso Meridian, and running through the SW¹/₄ of said Section 9 and ending in the NW¹/₄ of said Section 9.

2

Section
NINE
(9)

Return
to
Main
Creek

6.0

27.2

(5)

RECEIVED
JUL 14 1960

Snook & Snook

ATTORNEYS AT LAW
SNOOK BUILDING
SALMON, IDAHO 83467

FREDERICK HUGHES SNOOK
FREDERICK HAMILTON SNOOK

July 9, 1973

TELEPHONE
AREA CODE 208
756-2714
P. O. BOX 1227

RECEIVED

JUL 11 1973

Department of Water Administration
State House
Annex Two
Boise, Idaho 83707

Department of Water Administration

Attention: Glen Saxton

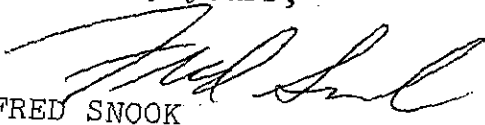
Re: Geertson Creek

Dear Glen:

In our letter of July 5, 1973, concerning Geertson Creek and the Bill Bolton tributary, I neglected to mention that since this dispute has arisen, Mr. Bolton has installed a new weir at the head of the channel and a second weir at the point where the two channels join. When the water was measured on July 3, 1973, the Bolton channel was emptying more water at the mouth than was being taken into the channel at the head. The amount of excess water was 7 to 10 inches.

This is submitted as additional proof that the channel is not a ditch but rather a channel of Geertson Creek proper.

Sincerely yours,



FRED SNOOK

FS/ea
cc/ Bill Bolton
Lloyd Johnson

RECEIVED

Snook & Snook

ATTORNEYS AT LAW
SNOOK BUILDING
SALMON, IDAHO 83467

FREDERICK HUGHES SNOOK
FREDERICK HAMILTON SNOOK

REC-1

JUL 16 1973

Department of Water TELEPHONE
AREA CODE 208
756-2714
P. O. BOX 1227

July 5, 1973

State of Idaho
Department of Water Administration
Statehouse Annex 2
Boise, Idaho

ATTENTION: Glen Saxton

RE: Geertson Creek

Dear Glen:

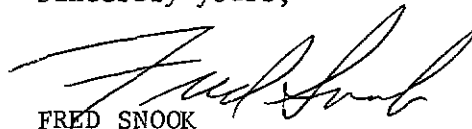
Recently a dispute has arisen between Virgil Olson, Bill Bolton and other users of Geertson Creek over whether or not Mr. Bolton should be charged with using water that passes through his property in a channel of Geertson Creek. Mr. Bolton states that this matter was resolved in 1947 by the Department of Reclamation, who determined that the channel was a bona fide channel of Geertson Creek, and that therefore, it would not be considered a ditch.

Enclosed are seven affidavits to support Mr. Bolton's position and Mr. Bolton has requested that these affidavits be put on file with the department to preserve his evidence.

We are sending a copy of this letter and of the affidavits to Mr. Lloyd Johnson of the Idaho Falls department. Mr. Johnson has been in Salmon recently in an attempt to resolve the Geertson Creek water difficulties.

Best personal regards.

Sincerely yours,


FRED SNOOK

FS/cb
Encls/
cc/Lloyd Johnson

RECEIVED
JUL 16 1973

A F F I D A V I T

STATE OF IDAHO

County of Lamhi --SS

LaVar Prestwich, being first duly sworn according to law,
deposes and says:

That during the month of May, 1973, at the Clyde Starr Ranch on Geertson Creek in Lamhi County, State of Idaho, there was a meeting at which the Chief Officer of the Department of Reclamation was present and the purpose of the meeting was for the said officer to personally inspect the water and irrigation system for the Clyde Starr Ranch and said officer stated in my presence that the channel in question was a tributary of Geertson Creek and the water conveyed therein was not to be charged against the Clyde Starr Ranch and was not to be shut off inasmuch as it was a definite channel and tributary of the said Geertson Creek. (Legal description attached)

The persons who were present with said Chief Officer of the Department of Reclamation at said time and place included:

Herb Aldous, Anthony Santos, Clyde Starr, Bill Bolton, Lyman Arave and ~~Barney Arave~~, and LaVar Prestwich.

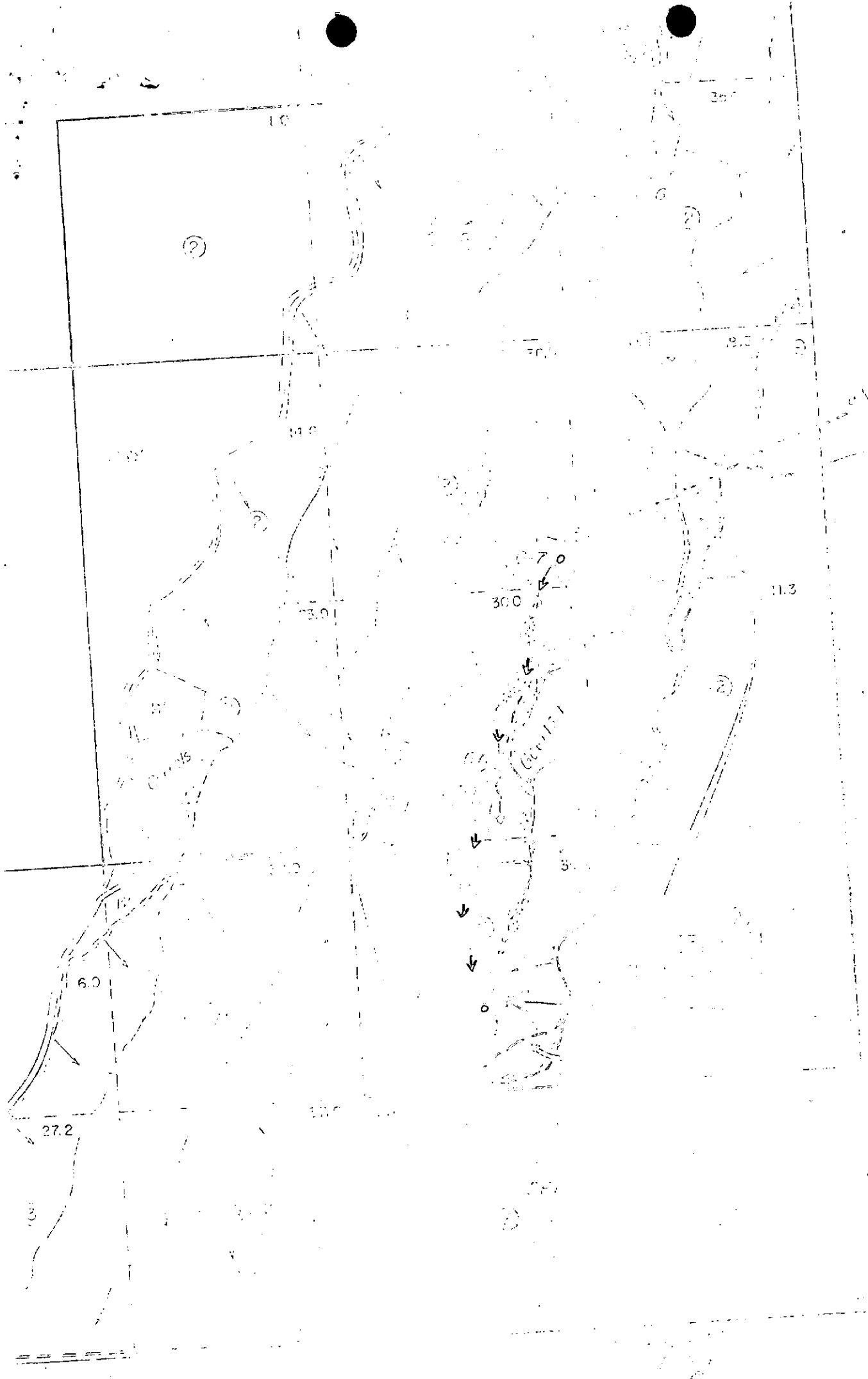
LaVar Prestwich
Subscribed and sworn to before me this 2nd day of July,
1973.

David L. Irwin
Notary Public for Idaho, Residing at: Salmon, Idaho

EXHIBIT A

CLYDE STARR RANCH CHANNEL, Coertsen Creek, Lemhi County, Idaho:

Channel starting in the NW 1/4 of Section 9, Township 21 North,
Range 29 E., Boise Meridian, and running through the SW 1/4 of
said Section 9 and ending in the NW 1/4 of said Section 9.



Section
NINE (9)

Return
To
Main
Creek

MADE BY
J. H. HARRIS
JAN 1960

AFFIDAVIT

STATE OF IDAHO

County of Bingham --SS

Lyman A. Arave, being first duly sworn according to law,
deposes and says:

That during the month of May, 1947, at the Clyde Starr Ranch on Coertson Creek in Lemhi County, State of Idaho, there was a meeting at which the Chief Officer of the Department of Reclamation was present and the purpose of the meeting was for the said officer to personally inspect the water and irrigation system for the Clyde Starr Ranch and said officer stated in my presence that the channel in question was a tributary of Coertson Creek and the water conveyed therein was not to be charged against the Clyde Starr Ranch and was not to be shut off inasmuch as it was a definite channel and tributary of the said Coertson Creek. (legal description attached)

The persons who were present with said Chief Officer of the Department of Reclamation at said time and place included:

Herb Aldous, Anthony Santos, Clyde Starr, Bill Bolton, Lyman Arave and Parley Arave and Lavar Prestwich.

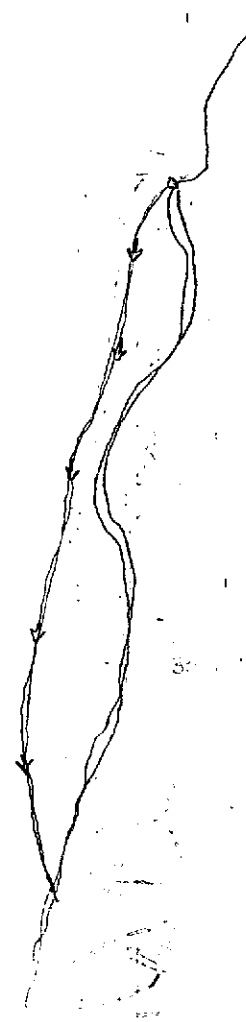
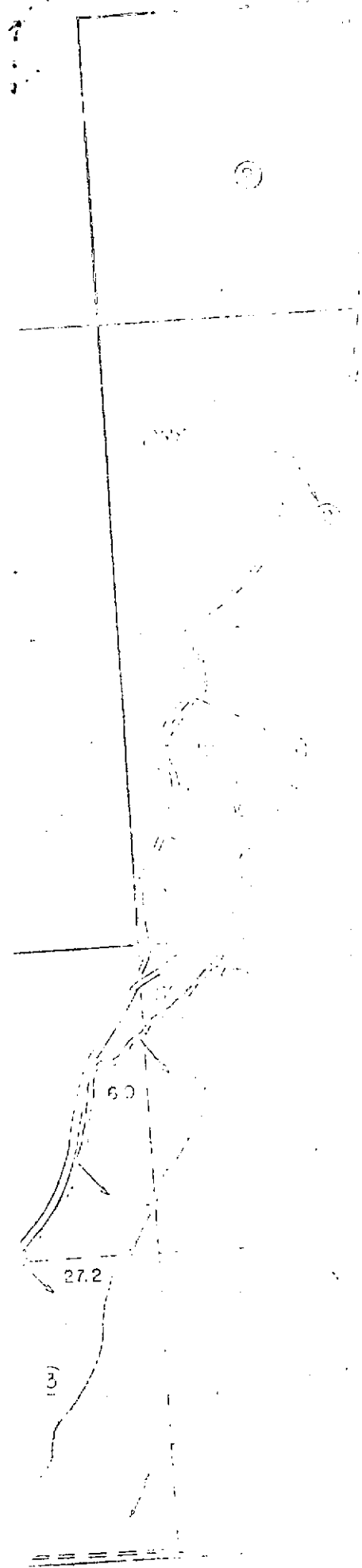
Lyman A. Arave
Subscribed and sworn to before me this 3rd day of July,
1973.

David L. Hartert
Notary Public for Idaho, Residing Notary Public Residing at Idaho Falls, Idaho
My Commission Expires March 7, 1978

"EXHIBIT A"

CLYDE STARR RANCH CHANNEL, Coartoon Creek, Latah County, Idaho:

Channel starting in the NW $\frac{1}{4}$ of Section 9, Township 21 North,
Range 23 E., Boise Meridian, and running through the SW $\frac{1}{4}$ of
said Section 9 and ending in the NW $\frac{1}{4}$ of said Section 9.



Section
Nine
(9)

Return
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Main

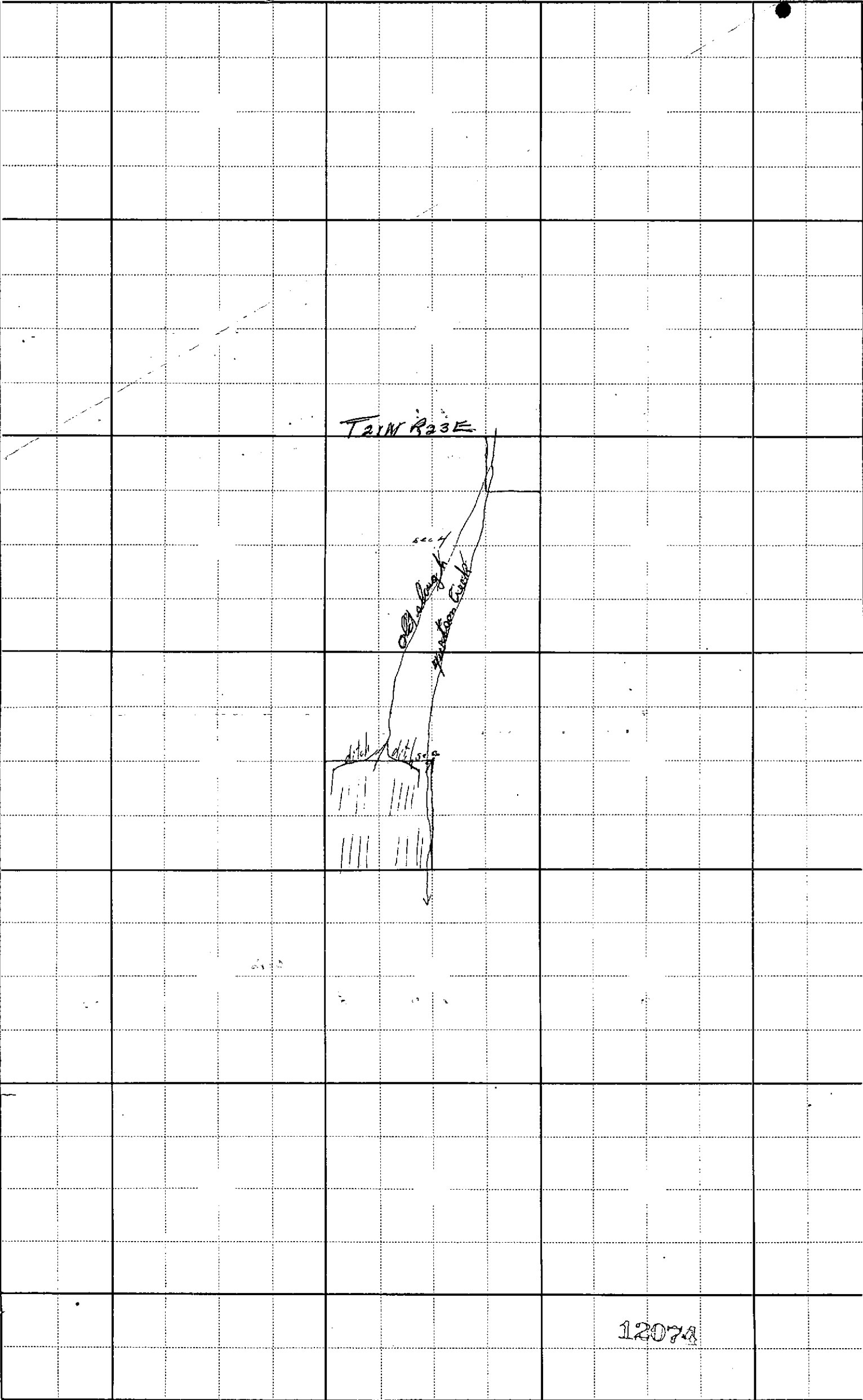
W.C. BURRILL

STATE OF IDAHO
DEPARTMENT OF RECLAMATION,
BOISE

REPORT OF ENGINEER

PERMIT NO. 12074

REPORT ON PROOF OF BENEFICIAL USE WATER



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

July 28, 1924.

Re: Permit No. 12074

Mr. Floyd W. Hixon,
Salmon, Idaho.

Dear Sir:

We are enclosing herewith Water License,
issued under the above numbered Permit, together
with receipt for fees.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

By

Chief Clerk.

E.
Encls.

12074

STATE OF IDAHO
C. C. MOORE, GOVERNOR
DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER
BOISE

July 14, 1924.

Re: Permit No. 12074

Mr. Floyd W. Hixon,
Salmon, Idaho.

Dear Sir:

Upon receipt of fees in the sum of \$8.00
license will be issued under the above numbered
Permit.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

CB/e

By *W. G. Swensen*,
Chief Clerk.

12074

July 14, 1924.

Re: Permit No. 12074

Mr. Floyd W. Hixon,
Salmon, Idaho.

Dear Sir:

Upon receipt of fees in the sum of \$8.00
license will be issued under the above numbered
Permit.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

CB/e

By

Chief Clerk.

12074

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 12074

This proof is for Beneficial Use

In Water District No. 12074 79-A

1. Name of applicant: Floyd W. Hixon
2. Source of water supply: Geertson Creek
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4
T. 21 N R. 23 E.B.M. County of Lemhi

4. Describe works as they exist, giving dimensions and capacities of same:

H & is wooden box, washed out, does not meet any in high water, turns water down old slough almost to place, dam in slough directs into several ditches on place, capacity est 200 "

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW $\frac{1}{4}$ Sec. 9, Twp. 21 N., R. 23 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Solomon River, no Lemhi

Remarks: Place in good shape, good crop, about 125 acres alfalfa &c. potatoes balance knolls not irrigated

This examination was made on the 9 day of July 1924

(Signed)

R. E. Stetler

Examiner.

Permit No. **12074**

Examination for **Beneficial Use**

County **LEMI**

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.
-

MAR 14 1906

April 30, 1924.

Re: Permit No. 12074

Mr. Floyd H. Hixson,
Salmon, Idaho.

Dear Sir:

Received today depositions of yourself and two witnesses, together with affidavit of publication, for proof of beneficial use of water under the above permit. These are in proper form and acceptable. As soon as the report of our inspector has been filed, you will be further advised as to fees.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

12074

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF LEMHI. } ss.

EVELYN MELVIN, being duly sworn, upon oath deposes and says: I am the printer, publisher, and sole proprietor of The IDAHO RECORDER, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

NOTICE FOR PUBLICATION Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at 10 a. m. on the 22nd day of April, 1924, at Salmon, county of Lemhi, state of Idaho, before Allen C. Merritt, Notary Public, proof will be submitted of the application to beneficial use of 3.2 cubic feet per second of the waters of Geertson creek in accordance with the terms and conditions of Permit No. 12074 heretofore issued by the State engineer of the state of Idaho.

The name and postoffice address of the person or corporation holding said permit are Floyd W. Hixon, Salmon, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is 3.2 cu. ft. per second.

The place where said water is used is southwest quarter of section 9, township 21 north, range 23 east, Boise Meridian.

The date of the priority which said user is prepared to establish is March 30, 1916.

W. G. SWENDSEN,
Commissioner of Reclamation.
March 14—April 4.

That the Notice for Publication 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

four consecutive issues, commencing with the issue dated March 14 1924 and ending with the issue dated

April 4 1924.

Evelyn Melvin

Subscribed and sworn to before me, this 5th day of April, 1924.

Publication Fee \$ 8.00 12074

Allen C. Merritt
Notary Public for the State of Idaho
Residing at Salmon, Idaho.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

PERMIT No. 12074

Proof of Application of Water to Beneficial Use**Deposition of Holder**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Floyd W. Hixson, 30 years of age, residence on Geertson Creek, Lemhi, County, Idaho, occupation farmer, post office Salmon, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 12074, Dated April 22nd, 1916, March 30th, 1916.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Geertson Creek, a tributary of Lemhi River, in Lemhi County,

Idaho, Point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, T. 21 N. R. 23 E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Ditch and dam, Height of dam 2 feet, length at top 20 feet, at bottom 12 feet. material used in dam, earth and stone, Headgate width at bottom 2 $\frac{1}{2}$ feet, height 2 feet, Ditch width at bottom 2 $\frac{1}{2}$ feet, width at water line 4 feet, 1 foot deep, average grade per mile 12 feet, capable of conveying 3.2 second feet from the point of diversion to the place of use. name, private ditch of Floyd W. Hixson.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivate or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. irrigation and domestic purposes used in each legal subdivision of the SW $\frac{1}{4}$ of Sec. 9, Tp. 21 N. R. 23 E. B. M. used in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres, SE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres, NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres a total of 125 acres. cultivated meadow 90 acres and natural 35 acres which have been made as direct result of said use.

Ques. 7. If for other than for irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. used for domestic purposes in watering my stock and for house use.

12074

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 1 second foot for each 50 acres.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. during the irrigation season in each year commencing with the
year 1916, and every year since, used through the within mentioned
works of diversion, used 3.2 second feet, used to the extent that
125 acres of the tract has been placed under cultivation

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and right claimed thereunder.

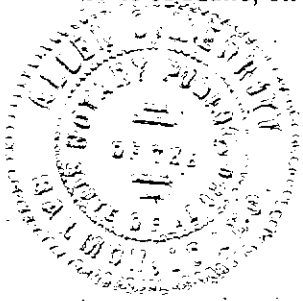
Ans. I use water from no other source on this land.

(Sign) Floyd W. Peterson

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Salmon, County of Lemhi

State of Idaho, on this 22nd day of April A. D. 19 24

Allen O. Merriam
Notary Public for the State of Idaho
Residing at Salmon, Lemhi Co., Idaho.



12074

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 12074

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Walter E. Schofield, 33 years of age, residence on Geertson Creek
occupation farmer, post office Salmon, Idaho.

Ques. 2. Are you acquainted with Floyd W. Hixson, the
holder of Permit No. 12074? How long have you known him and where does he reside?

Ans. Yes, I have known him 15 years, he resides on the land for which
this proof is made, on Geertson Creek, Lemhi Co. Idaho.

Ques. 3. Have you read or heard read said Permit No. 12074, and are you familiar with its provisions and conditions?

Ans. Yes,

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source Geertson Creek, in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, Tp. 21 N. R. 23 E. B. M.
ditch and dam, height of dam 2 feet, length at top 20 feet and at bottom
12 feet, constructed of earth and stone, Headgate 2 $\frac{1}{2}$ feet at bottom,
2 feet high. Ditch width at bottom 2 $\frac{1}{2}$ feet, at water line 4 feet, 1 ft.
in depth,

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use and how much water have you seen being so conveyed?

Ans. 3.2 second feet, I have seen more than that amount being so
conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. used for irrigation and domestic purposes, used on the SW $\frac{1}{4}$ of
Sec. 9, Tp. 21 N. R. 23 E. B. M. used on all four legal subdivision in the
SW $\frac{1}{4}$ said Sec. 9, irrigated in each subdivision as follows, SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres, NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres, a total of 125 acres
90 acres cultivated meadow and 35 acres natural meadow land have been
made as a direct result of said use.

12074

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. used for domestic purposes for watering his stock and house
use.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. character of land that has been reclaimed is sage brush bar
land, sandy loam. I estimate the amount of water required for its
profitable cultivation is 1 second foot for each 50 acres.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No I have not.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen each year since 1916 to and including the year
1923, used through the works of diversion herein described, used 3.2
second feet, used to the extent that 125 acres of the tract have been
placed under cultivation

(Sign) Walter E. Schofield

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Salmon, County of Lemhi, State of Idaho.

on this 22nd day of April

A. D. 19 24

Allen C. Merrill
Residence Salmon, Idaho

Notary Public.

My commission expires July 20th 1926



12074

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 12074

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Frank J. Brown, 36 years of age, residence Geertson Creek
Lemhi County, Idaho, occupation farmer, post office Salmon, Idaho.

Ques. 2. Are you acquainted with Floyd W. Hixson, the

holder of Permit No. 12074? How long have you known him and where does he reside?

Ans. Yes, 18 years, he resides on the land for which this proof
is made, on Geertson Creek, Lemhi County, Idaho,

Ques. 3. Have you read or heard read said Permit No. 12072, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source Geertson Creek, in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, Tp. 21 N. R. 23 E. B. M.
ditch and dam, height of dam 2 feet, length at top 20 feet, at bottom
12 feet, constructed of earth and stone. Headgate 2 $\frac{1}{2}$ feet wide at bottom
2 feet high, Ditch width at bottom 2 $\frac{1}{2}$ feet, at water line 4 feet, 1 ft.
deep.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 3.2 second feet, I have seen that amount being so conveyed

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. used for irrigation and domestic purposes, used on the SW $\frac{1}{4}$
Sec. 9, Tp. 21 N. R. 23 E. B. M. used on all four legal subdivision in the said
SW $\frac{1}{4}$ Sec. 9, the amount of land actually irrigated in each legal subdivision
as follows. SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres, SE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres, NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres, and NE $\frac{1}{4}$ SW $\frac{1}{4}$
25 acres. a total of 125 acres. 90 acres of cultivated and 35 acres of
natural meadow land have been made as a direct result of said use.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. used for domestic purposes for watering his stock,
and house use.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. character of land that has been reclaimed is sage brush bar
land, sandy loam. I estimate the amount of water required for its
profitable cultivation 1 second foot for each 50 acres of land.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No, I have not.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen water applied to this land through said works of
diversion each year commencing with the year 1916, to and including
1923. used through said works of diversion, used 3.2 second feet.
used to the extent that 125 acres of the land have been played under
cultivation.

(Sign)

Frank B. Brown

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Salmon, County of Lemhi, State of Idaho.
on this 22nd day of April A. D. 1924

My commission expires July 20th, 1926



Ellen O. Merritt
Notary Public
Residence Salmon, Idaho

12074

State of Idaho

ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS

~~PROOF OF COMPLETION OF WORKS~~

~~AND~~

~~PROOF OF BENEFICIAL USE OF WATER~~

BOISE, IDAHO,

April 10, 1924.

Floyd W. Hixson,

c/o Allen C. Merritt,
Notary Public,
Salmon, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of ~~completion of~~
~~works and beneficial use of water under Permit No. 12074.~~

DEPOSITION OF PERMIT HOLDER,

DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On ~~April 22, 1924~~, the date set for proof, the enclosed forms (~~one~~ for permit holder and ~~two~~ each for two disinterested witnesses) should be filled out and sworn to, at ~~Salmon~~ before ~~Allen C. Merritt, notary public.~~

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

~~W. G. SWENDSEN.~~
~~Commissioner of Reclamation.~~

12074

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE March 7, 1924.

Idaho Recorder,
Salmon, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 22, 1924, the date set for proof, the expense of the publication to be paid by the applicant, Floyd W. Hixson, of Salmon, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of the notice and furnish this office with a copy of the first publication.

Very truly yours,

W. G. Swendsen,
Boise, Idaho.

W. G. Swendsen,

Commissioner of Reclamation.

My Dear Sir:

The notice of Floyd W. Hixson will appear in the issue of The Recorder of March 14 and will continue for four consecutive issues.

Very truly yours,

Emily Melvin

12074

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE March 7, 1924.

Idaho Recorder,

Salmon, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 22, 1924, the date set for proof, the expense of the publication to be paid by the applicant, Floyd W. Hixson, of Salmon, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of the notice and furnish this office with a copy of the first publication.

Very truly yours,

W. G. Swendsen,

Commissioner of Reclamation.

12074

January 17, 1924.

Permit No. 12074.

Mr. Floyd W. Hixon,
Salmon, Idaho.

Dear Sir:-

We are today in receipt of notices for proof of beneficial use of water under the above numbered permit. April 22nd has been set as the date for making the proof and notice for publication will be sent to the Idaho Recorder accordingly, unless otherwise advised. Deposition blanks, one for the holder and one each for two witnesses, will be mailed to Mr. Allen C. Merritt, the notary public before whom proof is to be made.

Very truly yours,
W. G. SWENDBSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

12074

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

January 14, 1924

(P. O.)

Salmon, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Idaho Recorder of Salmon, Idaho, published in the county in which the works are situated.

Floyd W. Fyson

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 22nd day of April, 1924,
 at Salmon, County of Lemhi, State of Idaho,
 before Allen C. Merritt, Notary Public, proof will be submitted
 of the application to beneficial use of 3.2 cubic feet per second of the
 waters of Geertson Creek in accordance with the terms and conditions of
 Permit No. 12074 heretofore issued by the State Engineer
 of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Floyd W. Hixson, Salmon, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is 3.2 cu. ft. per second.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) Southwest quarter of Section 9, Township 21 North, Range
23 East, Boise Meridian.

~~The name of the canal or ditch or other works by which said water is conducted to such place of use~~
 is Hixson Ditch.

~~The right to take water from such works is based upon Permit No.~~ 12074

~~The source of supply from which such water is diverted is~~ Geertson Creek

The date of the priority which said user is prepared to establish is March 30, 1916.

WE WE 4-217-23 E

-79-

Swendsen

W. G. Swendsen,

Commissioner of Reclamation.

12074

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

January 4, 1924.

Mr. Floyd W. Hixon,
Salmon, Idaho.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 12074, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN.
Commissioner of Reclamation.

12074

May 1, 1918.

Re: Permit No. 12074.

Mr. Floyd W. Hixon,
Salmon, Idaho.

Dear Sir:

We enclose herewith certificate of completion of
works issued under above permit, with receipt for fee.

Very truly yours,

FRED A. WILKIE,
State Engineer.

By

MB

Enc: CCW
R-1835.

12074

Permit No. 12074

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,
County of LEMHI } SS.

Floyd W. Hixson

, being first duly sworn upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 12074 and that his postoffice address is Salmon, Lemhi County State of Idaho

Second: That the name of the stream from which said water is to be diverted is Geertson Creek

Third: That the point of diversion of said water is located in the NE 1/4 Sec. 4, T. 21 N., R. 23 E.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 22, 1918

Fifth: That the use for which said water is intended is irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(or were not)~~ fully completed and consisted of the following:

I. Kind of works: diversion dam and ditch

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 2 feet, length of dam at top 20 feet, length of dam at bottom 12 feet. Material used in construction Stone and earth

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 2 feet, height 2 feet.

(d) Conduit ditch width at bottom 3 feet, width at water

(State whether ditch, flume or pipe)

line 4 feet, depth of water 0.6 feet; diameter of pipe inches;

average grade per mile is 12 feet. Length of conduit is 2 miles.

Seventh: That said works are capable of conducting to the place of intended use 3.2 second feet of water.

Eighth: That water appropriated under said permit is available for 135 acres of land described as follows: NW 1/4 SW 1/4 30 acres, NE 1/4 SW 1/4 30 acres, SW 1/4 SW 1/4 40 acres, SE 1/4 SW 1/4 35 acres

Ninth: Remarks: That the highwater channel of Geertson Creek is used for this ditch for a distance of one and one-half miles.

Floyd W. Hixson
(Sign here)

Subscribed and sworn to before me this 3rd day of April, 1918.

My commission expires

Notary Public

United States Commissioner for the District of Idaho.

12074

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Jan. 8, 1918.

Floyd W. Hickson,

Boise, Idaho,

Salmon, Idaho.

Dear Sir:—

Under the terms of your Permit No. ~~12074~~-----, you are required to complete your diversion works on or before ~~April 22, 1918~~----- I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

J. H. SMITH,

State Engineer.

12074

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit No. 12074 - Hixon,
Mr. James W. Chapin,
Salmon, Idaho.

Boise, Idaho,

April 22, 1915.

Dear Sir:

I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND
CONDITIONS OF SAME as given under approval of State Engineer on the third page.

J.H. Smith.

State Engineer

12074

The map is a hand-drawn diagram on a grid. The grid is labeled with 'SEC.' (Section) and 'T. 21 N. R. 23 E.' (Township and Range). The map shows a creek, a dam, a diversion point, and a homestead entry.

- SEC. 1** is labeled at the top left.
- SEC. 2** is labeled at the top center.
- SEC. 3** is labeled at the top right.
- SEC. 4** is labeled at the bottom left.
- SEC. 5** is labeled at the bottom center.
- SEC. 6** is labeled at the bottom right.
- T. 21 N. R. 23 E.** is written in the center of the map.
- dam in creek** and **Pt. diversion** are written at the top right.
- High Water Channel** is written along the top edge of the creek.
- JEFFERSON CREEK** is written along the right edge of the creek.
- Floyd W. Hixon Homestead Entry** is written near the center of the map.
- Lot 1** is written near the top right corner.
- 12074** is written at the bottom right corner.

T. 21 N. R. 23 E.

~~12074~~

April 3, 1916.

17389- Hixon.

Mr. James W. Caples,
Salmon, Idaho.

Sign application.

12074

RB.

17389- FFR #11246.

JAMES W. CAPLES
MINING AND CIVIL ENGINEER
U. S. DEPUTY AND STATE LICENSED SURVEYOR
ASSAYING
SALMON, IDAHO

March 27, 1916

State Engineer,
Boise, Idaho.

Dear Sir:-

You will find enclosed application of Floyd W. Hixon to appropriate the waters of Geertson Creek, maps to accompany the application and Money order for \$1.30 to cover fees of your office.

Kindly return application to me from your office as soon as approved.

Yours very truly,



12074