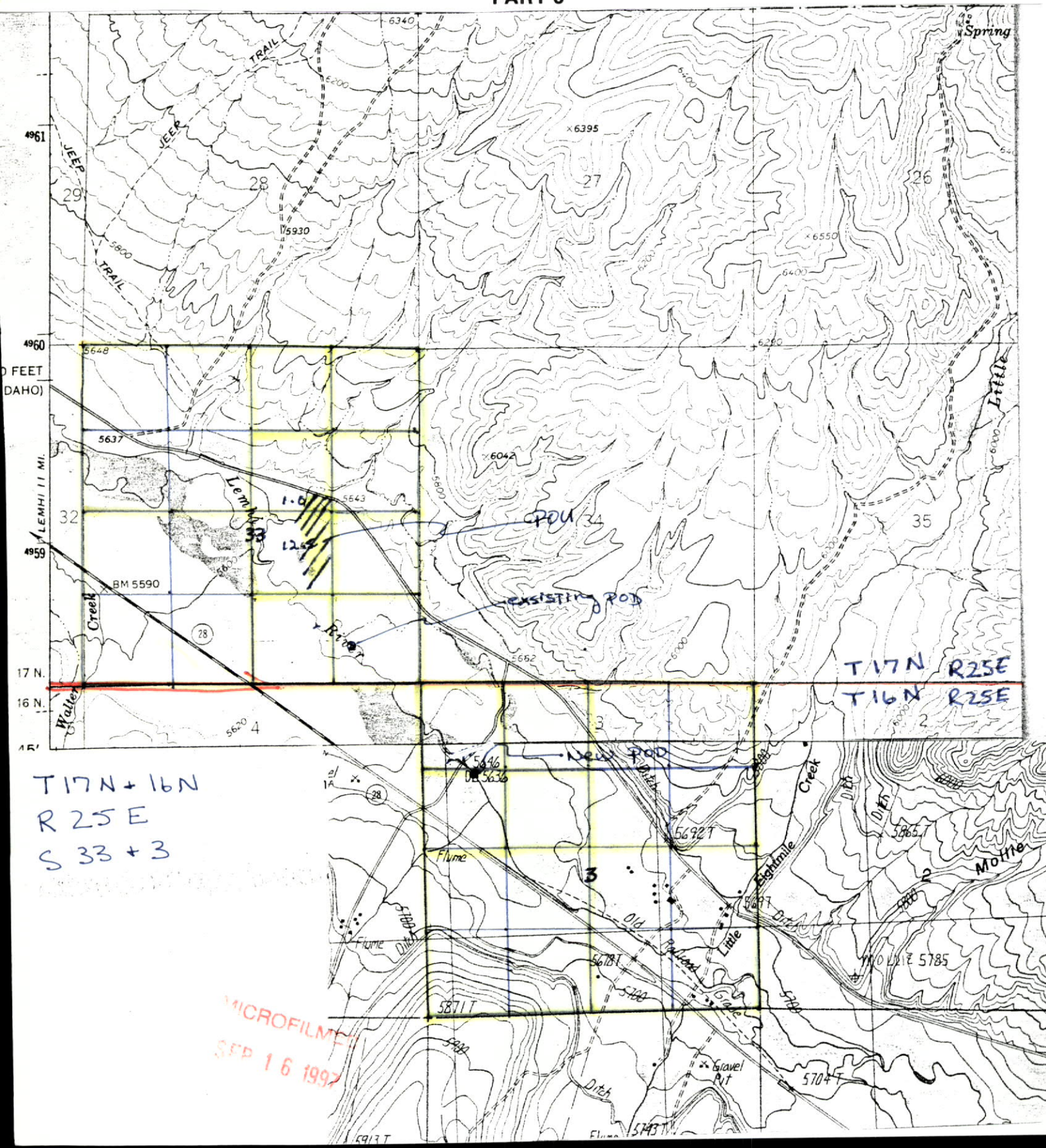


**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3**



# NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Kelly or Lenice Thomas, HC 68, Box 19, Leadore, ID, 83464 has applied to the Department of Water Resources to change the point of diversion for a surface water source. The right sought to be changed are evidenced by decree and recorded as follows:

Decree No.: 74-01660

Source: Lemhi River

Amount: 0.14 cfs 0.41

Priority: 01/04/1888

Point of Diversion: SESE, Sec 33, T17N, R25EBM

## TO BE CHANGED AS FOLLOWS:

The point of diversion will be changed to L-57 in the SWNW, Sec 3, T16N, R25EBM.

Anyone wishing to protest the above change must submit a written protest to the applicant at the above address and to the Department of Water Resources with a fee of \$25.00 on or before October 28, 1996.

KARL J. DREHER

Director

Published in The Recorder Herald on October 10 and 17, 1996.

# Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RECEIVED

JAN 28 1997

Department of Water Resources  
Eastern Region

RICKY G. HODGES, being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the DEPT OF WATER 74-001660

\_\_\_\_\_, 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 TWO (2) consecutive issues, commencing with the issue dated 10/10/96 and ending with the issue dated 10/17/96.

STATE OF IDAHO

County of Lemhi

ss.

On this 17th day of OCTOBER 1996 in this year of 19

before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

*Shirley K. Hodges*  
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-2001

Publication Fee \$ 35.64  
Account No. 630

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SEP 16 1997

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**

TRANSFER NO. 4922  
WATER RIGHT NO. 74-01660

This is to certify that: **KELLY THOMAS**  
**REBA THOMAS**  
**LENICE THOMAS**  
**ROBERT L THOMAS**  
**HC-68 BOX 19**  
**LEADORE ID 83464**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | 0.41 CFS              | 47.3 AF              |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| LEMHI RIVER   | SALMON RIVER        |

Priority: 01/04/1888

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 3, Township 16N, Range 25E  
LEMHI County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 17N                              | 25E        | 33         | SWNE 1       | NWSE 12.5    |              | 13.5         |
| Total number of acres irrigated: |            |            |              |              |              | 13.5         |

**CONDITIONS OF APPROVAL AND REMARKS**

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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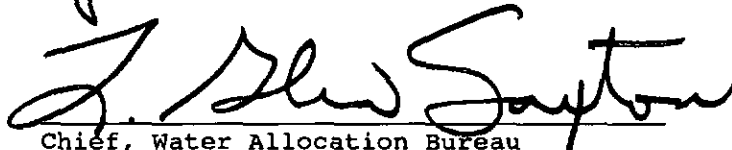
SEP 16 1987

TRANSFER NO. 4922  
WATER RIGHT NO. 74-01660

CONDITIONS OF APPROVAL AND REMARKS

5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 14<sup>th</sup> day of August, 1997.

  
Chief, Water Allocation Bureau

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SEP 16 1997

Page 1 of 6STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4922

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MAR 19 1997

## APPLICATION FOR TRANSFER OF WATER RIGHT

AUG 27 1996

## PART 1

Department of Water Resources

Department of Water Resources  
Eastern RegionName of applicant Thomas, Kelly for Robert L, for Reba, for Lenice Phone (208) 768-2732Post Office address HC-68 Box 19 Leadore ID 83464

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes elimination of one Lemhi River diversion by consolidation

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number A74-01660 Priority 01-04-1888 Amount (cfs/ac-ft) 0.410 cfs Nature of Use irrigation Period of Use 03-15 to 11-15
2. Total amount of water being transferred 0.410 cfs cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Lemhi River tributary to Salmon River
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     | NE  | SW  | NW  | 3    | 16N  | 25E  | Lemhi  | L-57                     |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 17N  | 25E  | 33   |        |        | 1.0    |        |        |        |        |        |        |        |        |        |        | 12.8   |        |        | 13.5   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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Total acres 13.5

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Witness my hand this \_\_\_\_\_

day of \_\_\_\_\_

, 19 \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

d. Remarks:

Notes:

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

trust, mortgage or contract agreeing to the proposed changes.

contracts? \_\_\_\_\_ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or

6. General Information:

a. Description of diversion system rock dam in river, headgate and ditches to place of use.

### PART 1

Transfer No. \_\_\_\_\_

Page 2 of 6

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-01660

STAGE: DECREED

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.41 CFS              |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| LEMHI RIVER   | SALMON RIVER        |

Priority: 01/04/1888

LOCATION OF POINT(S) OF DIVERSION:SESE , Sec. 33, Township 17N, Range 25E  
LEMHI CountyPLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 17N                              | 25E        | 33         | SWNE 1       | NWSE 12      |              | 13           |
| Total number of acres irrigated: |            |            |              |              |              | 13           |

CONDITIONS/REMARKS:

1. AC. IRR.=13.5.
2. DIV. L-53.

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

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 74-01660 Decreed to MANAFFEY, Taylor & Jessie  
in case of STATE OF IDAHO vs. MANAFFEY, Taylor & Jessie  
dated June 17, 1971 in Lemhi county of IDAHO
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Lemhi River tributary to Salmon River

4. Date or priority 01-04-1888

5. Water is used for the following purpose:

amount 0.410 cfs for irrigation purposes from 4-1 to 11-1  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 0.410 cfs cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SE  | SE  | 33   | 17N  | 2SE  | Lemhi  | L-53                     |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 17N  | 2SE  | 33   |        |        | 1.0    |        |        |        |        |        |        |        |        |        |        | 2.5    |        |        | 13.5   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 13.5

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

| 1. amount   |             | for |  | purposes from |  | to |  |
|-------------|-------------|-----|--|---------------|--|----|--|
| (cts/ac-ft) |             |     |  |               |  |    |  |
|             | amount      | for |  | purposes from |  | to |  |
|             | (cts/ac-ft) |     |  |               |  |    |  |
|             | amount      | for |  | purposes from |  | to |  |
|             | (cts/ac-ft) |     |  |               |  |    |  |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

|    |             |     |               |    |
|----|-------------|-----|---------------|----|
| 1. | amount      | for | purposes from | to |
|    | (cts/ac-ft) |     |               |    |
|    | amount      | for | purposes from | to |
|    | (cts/ac-ft) |     |               |    |
|    | amount      | for | purposes from | to |
|    | (cts/ac-ft) |     |               |    |

2. Point(s) of Diversion:

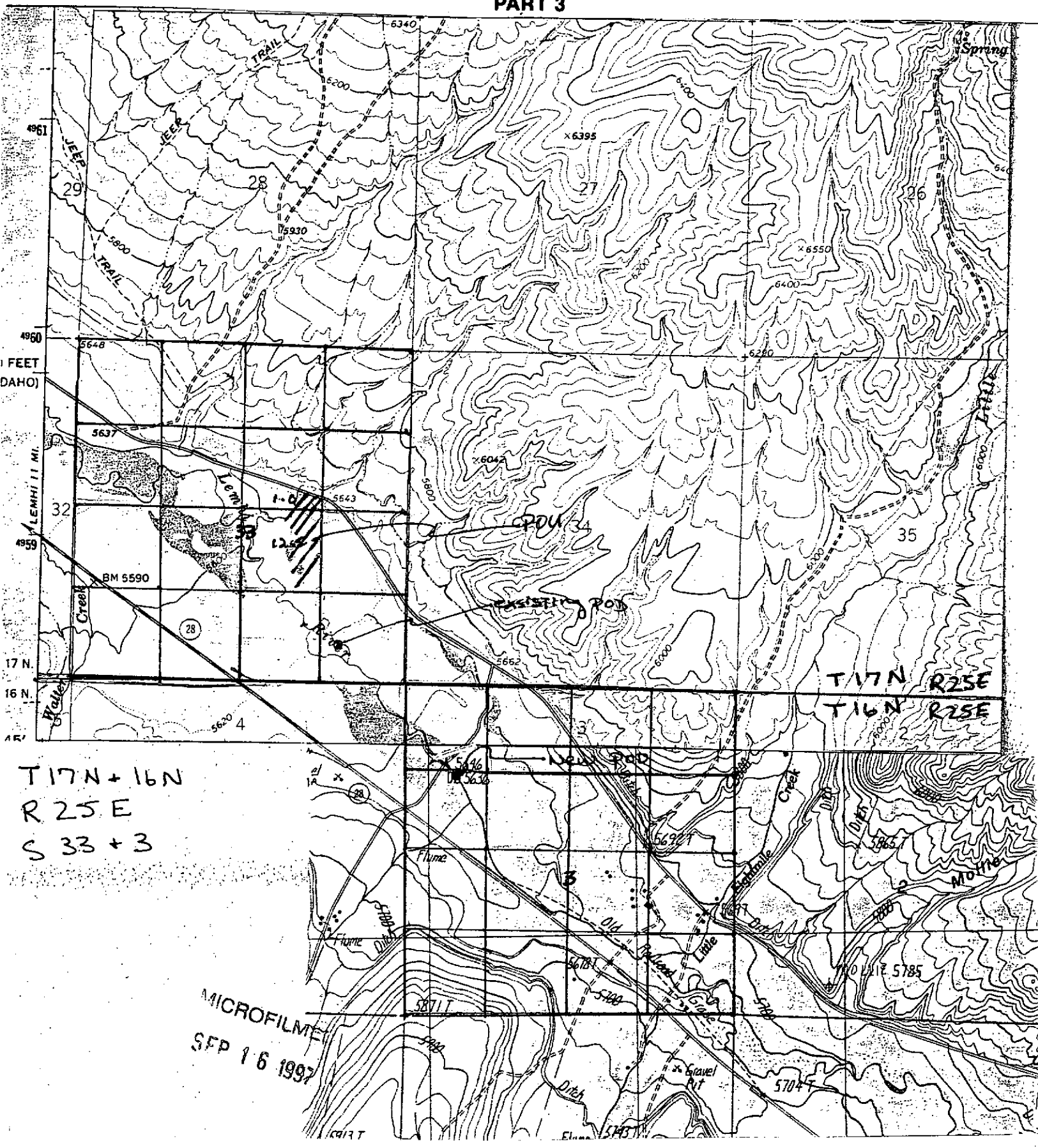
[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

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



PART 3

B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount (cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|--------------------|-----------------|---------------|
|---|-------------------|--------------------|-----------------|---------------|

|  |  |  |  |    |
|--|--|--|--|----|
|  |  |  |  | to |
|  |  |  |  | to |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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



Subscribed and sworn to before me this

(Signature of Applicant)

day of January, 1996

(Notary Public)

My commission expires 2-16-2001

FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by \_\_\_\_\_ Date 01-03-96

Prelim. check by \_\_\_\_\_ Fee \$100.00

Received by \_\_\_\_\_ Date 8-21-96

Published in \_\_\_\_\_

Pub. dates \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_

rec'd. \_\_\_\_\_

Copy of transfer sent to lien holder

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~~SECRET~~ 96/92/33

——

25763881 V5R1M0 940909

Display Device T6

TAX-MASTER-FOUR

7-2-1944

EMERGENCY RD 1742573315010 YEAR 1995

TYPE: 601742612010

CODE AREA 300 ACCOUNT TYPE  
FRANK E L B OWNER PAGE

~~SECRET~~

MARKS: V-A-H-51115

~~67-X-99-31-Sub A~~

4-3776-0000

WET. MAKLEY

~~CONFIDENTIAL~~

11-11-11

**PAGE - 076A -**

WETLEY

# TAX-PAYMENTS

THE CANADIAN

**Abstract**

~~REMAINTING TAX DUE~~

|                  | NR | A OR                 | NEXT BILL # | REF               | 1995 |
|------------------|----|----------------------|-------------|-------------------|------|
| F4A OFFERED CODE | B  | E-E-PAYMENT ACTIVITY | E3=TRANS    | ACTIVITY F24=MORE |      |

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

IN THE MATTER OF THE GENERAL )  
DETERMINATION OF THE RIGHTS )  
TO THE USE OF THE SURFACE WATERS )  
AND TRIBUTARIES FROM WHATEVER )  
SOURCE OF THE LEMHI RIVER )  
DRAINAGE BASIN. )

CIVIL NO. 4948  
PROPOSED FINDING OF  
WATER RIGHTS

The above-entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by the submission of a petition from eight (8) water users in the Lemhi River Basin, requesting that the Department of Water Administration (changed to Department of Water Resources in 1974) obtain authority from the Court to prepare a proposed finding of water rights in the Lemhi River Basin. The petitioners specifically requested that the study reflect the present practice and use of water within the Lemhi River Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Higginson, Director of the Department of Water Resources petitioned the Court on April 30, 1970, for an order of authorization for the commencement of an adjudication of water rights in the Lemhi River Drainage.

An order was signed on August 13, 1970, by District Judge Arnold T. Beebe, authorizing the Department to commence an investigation and determination of the various rights to the use of the water of the Lemhi River and its surface tributaries including ground water which may be either tributary to the Lemhi River or its surface tributaries within the Lemhi River Drainage Basin, such waters lying or being used within Lemhi County.

An order of joinder signed on June 17, 1971, made approximately 457 land owners and possible water users parties to the adjudication. An additional 351 water users were joined by an order signed November 1, 1971. Approximately 1,900 claims of water rights were submitted to the Department.

Based upon all existing court decrees adjudicating water rights within the Lemhi River Drainage Basin, the claims submitted, the files and records of the Department and the Court, the examination and studies of the Lemhi River Drainage Basin and the various ditches and other diversions of water therein and the lands irrigated or other uses of water, the Department of Water Resources, in July 1974, filed a proposed finding of water rights with the Court. Objections to the proposed finding were resolved either by stipulation or hearing before the Court. The Court then adopted the following findings of fact, conclusions of law and decree of water rights, in which the

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following definitions apply:

- a. "Director" means the Director of the Department of Water Resources.
- b. "Department" means the Idaho Department of Water Resources.
- c. "Ident. No." is the abbreviated form of "Identification Number". An identification number is assigned to each water right for purposes of identification. The first two (2) numerals of an identification number indicate the basin number as reflected in Department files, i.e., "74" indicates the Lemhi River Basin.
- d. "Name and address" are self-explanatory and indicate the owner of the right at the time the "Notice of Claim to a Water right" was submitted to the Department.
- e. "Priority" indicates the priority date of the water right and is generally the date when the water was first applied to a beneficial use.
- f. "Purpose" is self-explanatory except for "Fish Return" as shown on numerous Idaho Department of Fish and Game rights. Fingerling fish are prevented from entering irrigation ditches by means of a screen across the irrigation ditch and a by-pass pipe for the fish to return through to the river. Hence, the term "Fish Return". This is a non-consumptive use.
- g. "Period of use" indicates the period of time during each year when a particular right may be used each year.
- h. "Acre-foot" is a volume of water sufficient to cover one acre of land one foot deep with water and is equal to 43,560 cubic feet.
- i. "Maximum rate of diversion, c.f.s." indicates the rate of diversion from a water source in cubic feet per second. The term "miner's inch" formerly used in hydraulic mining and irrigation is also a measure of a rate of flow. The miner's inch in Idaho is defined as the quantity of water which will flow through an orifice one inch square under a four inch head. One cubic foot per second is equal to fifty miner's inches in Idaho, or 0.02 c.f.s. equals one miner's inch.
- j. "Place of use and lands irrigated" indicate the number of irrigated acres and legal description of the places of use within each 40-acre subdivision.
- k. Under the general heading "Basis of Right":
  - "Beneficial Use" indicates the right was based upon a Constitutional right or so called "use right", initiated and maintained by actual diversion and application to beneficial use.
  - "License" indicates the right has been initiated through application to the Department with appropriate statutory proof submitted in the past with subsequent examination and issuance of a license by the Department.
  - "Decree" indicates that the right has been adjudicated in a court of law prior to this general determination of water rights.
- l. "Domestic purposes" is defined as water for household use or livestock and water used for all other purposes including irrigation of up to one-half (1/2) acre of land in connection with said household where total use is not in excess of 13,000 gallons per day. Idaho Code,

STEP 1 6 1997

m. "H.E.S." as used in this report describes a place of use of a water right and means Homestead Entry Survey. There is a number following the H.E.S. designation that refers to the particular homestead entry in question, i.e., H.E.S. No. 236.

n. "High water" or "Flood water" as used in the Findings of Fact, Conclusions of Law, and Decree describes a natural flow of "water over and above the amounts required to fulfill (1) existing quantified rights as shown in the decree of water rights and (2) any future rights that may be established pursuant to statutory procedures of the State of Idaho."

#### FINDINGS OF FACT

1. The Lemhi River Drainage lies entirely within Lemhi County, State of Idaho, with its mouth at its confluence with the Salmon River near Salmon, Idaho, and with its source comprised of tributaries rising in the surrounding mountains and hills. There are periods during each year when the amount of water flowing in the Lemhi River and its tributaries is insufficient to meet and satisfy the various demands by claimants of appropriate rights. These periods of scarcity normally occur prior to the spring runoff and during the latter part of the summer.
2. There exist numerous separate decrees on the tributaries of the Lemhi River adjudicating the various priorities to the use of the water on those tributaries. Diversion and beneficial use of water on these decreed tributary streams has in the past, been without regard for uses or rights claimed on the Lemhi River proper, and users on the Lemhi River proper have made no demand on these tributary streams for water to fill prior rights on the main stem.
3. Beneficial use rights from surface water sources are those rights which were commenced by diversion and application of water for a beneficial use prior to May 20, 1971. Beneficial use rights from underground water sources are those which were commenced by diversion and application of the water to a beneficial use prior to March 25, 1963. All other rights to the use of water must have been initiated by an application filed with the Department of Water Resources. The only exception to this is for domestic wells where total use does not exceed 13,000 gallons per day pursuant to Section 42-227, Idaho Code.
4. The consumptive use of water for irrigation purposes was found to be 1.45 acre feet per acre per growing season based upon the following facts: Consumptive use or evapotranspiration of water from the land and crops is a total of 1.8 AF/acre per growing season of which precipitation normally furnishes 0.35 acre feet per acre, giving a net consumptive irrigation requirement of 1.45 AF/acre to be applied from some water source. A change in the nature of use of the water right from irrigation to a more consumptive use or a change in location of use that causes waters diverted but not consumed to be returned to the Lemhi River or tributaries at a different location can reduce water available to other right holders.
5. The normal irrigation season is found to be from March 15 to November 15 of each year. However, there appear to be periods before March 15 and later than November 15 in some years in which water diverted for agricultural purposes has been applied to a beneficial use.
6. The use of water under previously decreed rights in the Lemhi River Basin was found, in many cases, to be different from the use as described in the original decrees. Changes in places of use, changes in point of diversion, apparent errors in the original decrees, abandonment or forfeiture of use, and the updating and improvement of irrigation systems through the years are some of the reasons for rights based on decrees differing from the original decrees.

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16 1997

7. The Lemhi River Basin presently has almost non-existent storage facilities in which to preserve water for use later in the irrigation season when the flow in surface water sources diminishes. Diversions of high waters or flood waters for irrigation purposes within the basin have been practiced in an effort to hold or store water underground within the basin, which later contributes to the flow of the streams and river, and has the effect of augmenting or supplementing this flow during the latter portion of the irrigation season. While the amount of such high water available varies from year to year, an effort has been made to divert all of such water, whenever and in whatever amounts it is available, and to apply it on the irrigated lands. The practice has been to distribute and use this water in an informal manner. There is some potential for development of water storage projects within the basin; however, general interest in such development will probably only occur as the economic feasibility thereof increases.
8. The amount of water required for stockwatering purposes is found to be 12 gallons of water per day per head for cows, calves, and horses and 2 gallons per day per head for sheep. For domestic or household use, the requirement is 1,000 gallons of water per day per household.
9. The United States has submitted claims of water right based on the "Reserved Rights" principle which are enumerated in Exhibit "I" and has also claimed unspecified minimum stream flows in various creeks, streams and water sources enumerated in Exhibit "J" of the United States of America Notice of Claim to a Water Right submission together with various other exhibits. The water rights of the United States are subject to adjudication in this proceeding under the provisions of 43 USC 666.
10. The State of Idaho, Department of Fish and Game has claimed minimum stream flows at the mouth of the Lemhi River, at the mouth of Hayden Creek and on the Lemhi River below the mouth of Big Springs Creek on three claims to a water right identified as 74-1768, 74-1769 and 74-1770, which claims are not based upon a diversion and application of water to beneficial use.
11. This decree of water rights includes rights in the name of U.S. Department of Interior initiated by application, permit and license pursuant to Idaho Code 42-501, et seq. The basis for these rights in this decree is listed as "D Permits"; however, each of these "D Permits" is a licensed right under Idaho Code 42-501.
12. Regulation of the diversion and use of water from the Lemhi River and its tributaries requires that each user who diverts water must install and maintain a suitable headgate and measuring device for the use of the watermaster.
13. Among the various water rights in the numerous licenses issued by the Department of Water Resources and the court decrees which adjudicated water rights within the Lemhi River Drainage are several which describe rights which are unclaimed by the present land owner. For the most part, these include uses which no longer exist because of forfeiture or abandonment of the right. These unclaimed "rights" are listed in the decree.
14. Water has been diverted and applied to a beneficial use as described in the following decree of water rights. In addition, the water users in the Lemhi River Basin have historically diverted the so called "high water or flood water" generally during the months of May and June.

#### CONCLUSIONS OF LAW

The United States holds rights to the use of water on reserved forest lands within the Lemhi River Drainage Basin with priorities based upon the dates when the various forest reserves were established, to the extent such water has been diverted and applied to a beneficial use prior to the date of this action or to the extent that future potential uses have been reasonably identified in its claims. The United States holds no rights either expressly or impliedly to the maintenance of continuous, uninterrupted flows of water and minimum stream levels for the various creeks, streams, and water sources enumerated on Exhibit "J", of the United States of

America Notice of Claim to a Water Right nor any rights to the present or future use of water of Lemhi River or its tributaries not specifically claimed and identified as to quantity and place of use except as set forth in these findings of fact, conclusions of law and decree of water rights.

2. The State of Idaho, Department of Fish and Game claims of water rights to maintain minimum stream flows at the mouth of the Lemhi River, at the mouth of Hayden Creek, and on the Lemhi River below the mouth of Big Springs Creek identified as Claim Nos. 74-1768, 74-1769 and 74-1770, are not based upon a diversion and application of the water to a beneficial use and are therefore invalid.

3. An adjudication of water rights should recognize the past history of use of water in the area. Since there exist numerous and separate decrees on tributaries to the Lemhi River and on other sources of water in the Lemhi River Basin, and since the water users on these stream systems have distributed their waters under direction of watermaster independently and without regard for prior claimed uses on the Lemhi River proper, the water users on those tributaries or water sources have adversely any prior right to demand water from the tributary streams to fill rights claimed on the Lemhi River proper. For the purposes of water distribution in the Lemhi River Basin, water rights on the following water sources are not considered junior to the water rights from Lemhi River:

1. Agency Creek and tributaries
2. Alder Creek and tributaries
3. Basin Creek (Incl. McNutt & Schwartz) and tributaries
4. Bohannon Creek and tributaries
5. Bull Creek and tributaries
6. Canyon Creek (Junction Creek) and tributaries
7. Eightmile Creek (Big) and tributaries
8. Eightmile Creek (Little) and tributaries
9. Geertson Creek and tributaries
10. Hawley Creek and tributaries
11. Haynes Creek and tributaries
12. Jake Canyon Creek and tributaries
13. Kirtley Creek and tributaries
14. Lee Creek and tributaries
15. Mill Creek and tributaries
16. Pattee Creek and tributaries
17. Peterson Creek and tributaries
18. Pratt Creek and tributaries
19. Sandy Creek and tributaries
20. Sawmill Creek (Little) and tributaries
21. Texas Creek and tributaries
22. Timber Creek (Big and Little) and tributaries
23. Walter Creek and tributaries
24. Warm Springs Creek (near Pratt Creek) and tributaries
25. Wimpey Creek and tributaries
26. Withington Creek and tributaries
27. Yearlan Creek and tributaries
28. Zeph and Swartz Creek and tributaries

Future appropriations of water on the above streams are not considered to be subject to prior downstream rights on the Lemhi River proper. Future appropriations of water on any other water source or stream in the Lemhi River Basin, however, are considered to be tributary to the Lemhi River proper for the purposes of distribution.

Water sources or creeks not included in the listing above are tributary to the Lemhi River for the purposes of distribution if in fact water from the water source or creek would reach the Lemhi River.

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4. Water users whose rights are described in this decree are required to install and maintain headgates and measuring devices at their points of diversion for use by a watermaster.
5. This recommended decree includes all of the existing rights to the waters of the Lemhi River and its tributaries and upon its adoption supercedes all prior judgments of the Court. Any water user who heretofore diverted water from the Lemhi River or its tributaries or who owns lands to which previously established rights were appurtenant and who, upon being joined in this action, failed to claim such water rights has forfeited such rights as provided in Section 42-1411, Idaho Code, subject to the provisions of 42-1405, Idaho Code.
6. The normal irrigation season in the Lemhi Basin is from March 15 to November 15 of each year. The practice of diverting water during the pre-irrigation and post-irrigation season as well as diverting the so called "high waters or flood waters" in addition to the quantified rights as described in the recommended decree of water rights (and future rights that may be established pursuant to statutory procedures) is allowed provided:
  - (a) the waters so diverted are applied to a beneficial use.
  - (b) the existing quantified rights (including future appropriations of water) are first satisfied. (Note that Conclusion of Law #3 provides an exception to this condition of "high water" or "flood water" diversion.)
7. Distribution by the watermaster of water from the public water supply for irrigation purposes shall be on the basis of the rates of diversion herein specified and shall not be limited in any manner by any provisions herein regarding consumptive use.

The consumptive use of water for irrigation purposes in the Lemhi River Basin has been determined to be 1.45 acre feet per acre. The Director of the Department of Water Resources will be guided by this determination in authorizing changes requested pursuant to 42-222, Idaho Code.
8. The watermaster(s) is authorized to allow diversion of water for agricultural uses before March 15 and after November 15 provided the conditions in paragraph six (6) in these Conclusions of Law are satisfied.
9. Water has been diverted and applied to a beneficial use as described in the following recommended decree of water rights.

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MR0416  
05/04/83

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS ABSTRACT

PAGE 162

\*INDICATES TOTAL\*

SOURCE: LEMHI RIVER

TRIBUTARY TO: SALMON RIVER

| RIGHT NUMBER | NAME AND ADDRESS | PRIORITY DATE | USE | USE PERIOD FROM TO | MAX AMOUNT MAX RATE | DIVERSION POINT | PLACE OF USE AND ACREAGE | BASIS FOR RIGHT |
|--------------|------------------|---------------|-----|--------------------|---------------------|-----------------|--------------------------|-----------------|
|--------------|------------------|---------------|-----|--------------------|---------------------|-----------------|--------------------------|-----------------|

74-0572 SALMON ID 83467

REMARKS: AC. 1HR.=71.4.  
DIV. L-3.

74-1583

MCKINNEY, JACK W.  
MCKINNEY, SAM P.  
P.O. BOX 52  
LEMHI  
REMARKS: AC. 1HR.=43.8.  
DIV. L-59.

08-17-1887 IRRIGATION 03-15 11-15

1.31 CFS SESE S12 S4NM(20) SENM(11) DEGREE  
116N R25E NESM(08) NMSE(05)  
S12 T16N R25E

\* 73 ACRES\*

74-1584

MCKINNEY, JACK W.  
MCKINNEY, SAM P.  
P.O. BOX 52  
LEMHI  
REMARKS: AC. 1HR.=24.3.  
DIV. L-61.

08-17-1887 IRRIGATION 03-15 11-15

.73 CFS SESE S18 S4NM(10) SENM(04) DEGREE  
116N R26E NESE(10)  
S12 T16N R25E

\* 44 ACRES\*

74-1585

MC FARLAND LIVESTOCK CO. INC.  
C/O T. L. MC FARLAND  
P.O. BOX 50  
LEMHI  
REMARKS: AC. 1HR.=132.2.  
DIV. L-48.

11-22-1887 IRRIGATION 03-15 11-15

3.97 CFS NENE S25 N4NE(05) N4NE(29) DEGREE  
117N R24E S4NE(19) SENE(37)  
N4NE(03) NESE(31)  
N4SE(08)  
S14 T17N R24E

\* 24 ACRES\*

74-1592B

MAHAFFEY LIVESTOCK INC.  
C/O STEPHEN MAHAFFEY  
P.O. BOX 4  
TENDOT  
REMARKS: CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER  
COURT-AUTHORIZED STIPULATION.  
DIV. L-29.

11-22-1887 IRRIGATION 03-15 11-15

3.39 CFS NMNM S17 N4NM(33) NMNM(40) DEGREE  
119N R24E S4NM(25) SESM(15)  
S05 T19N R24E

\* 113 ACRES\*

74-1660

MAHAFFEY, TAYLOR  
MAHAFFEY, JESSIE B.

01-04-1888 IRRIGATION 03-15 11-15

.41 CFS SESE S33 S4NE(01) NMSE(12) DEGREE  
117N R25E S33 T17N R25E

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05/04/83

S T A T E J F I D A H O  
DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS ABSTRACT

| *INDICATES TOTAL* |                                                                                                                                                                                                                             | SOURCE: LEMHI RIVER |                        | TRIBUTARY TO: SALMON RIVER |                                                                                                                 |                 |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------|
| RIGHT NUMBER      | NAME AND ADDRESS                                                                                                                                                                                                            | PRIORITY DATE       | USE FROM TO            | MAX AMOUNT MAX RATE        | DIVERSION POINT AND ACREAGE                                                                                     | BASIS FOR RIGHT |
| 74-1660           | P.O. BOX 36<br>LEMHI<br>REMARKS: AC. IRR.=13.5.<br>DIV. L-53.                                                                                                                                                               |                     |                        |                            |                                                                                                                 |                 |
| 74-1662           | MAHAFFEY, TAYLOR<br>MAHAFFEY, JESSIE B.<br>P.O. BOX 36<br>LEMHI<br>REMARKS: AC. IRR.=52.8.<br>DIV. L-57.<br>P/U: T17N R25E S33 SESE(20)<br>S34 LT04 (SWSW)(11)<br>P/U: T16N R25E S04 LT01 (NENE)(04)<br>S03 LT04 (NWNW)(18) | 01-04-1888          | IRRIGATION 03-15 11-15 | 1.59 CFS                   | SWN4 S03<br>T16N R25E                                                                                           | DECREE          |
| 74-0520           | SHOUP, GEORGE L.<br>SHOUP, NELLIE B.<br>P.O. BOX 48<br>TENDRY<br>REMARKS: AC. IRR. = 160.0.<br>DIV. L-28.<br>CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER COURT-AUTHORIZED STIPULATION.                           | 04-01-1888          | IRRIGATION 03-15 11-15 | 4.80 CFS                   | SWS4 S08<br>T19N R24E<br>LT02 (NWNW)(24)<br>SWNE(16) SENE(38)<br>NESE(39) NWSE(04)<br>SWSE(02)<br>S06 T19N R24E | DECREE          |
| 74-0727           | WATER, ALBERT<br>WATER, VERA MARIE<br>P.O. BOX 3<br>TENDRY<br>REMARKS: AC. IRR.=.8.<br>DIV. L-7.                                                                                                                            | 06-06-1888          | IRRIGATION 03-15 11-15 | .03 CFS                    | NES4 S30<br>T21N R23E<br>S08 T21N R22E                                                                          | DECREE          |
| 74-0711           | PORTER, CLARENCE<br>PORTER, GLADYS<br>P.O. BOX 70<br>SALMON<br>REMARKS: AC. IRR.=74.4.<br>DIV. L-15.                                                                                                                        | 06-19-1888          | IRRIGATION 03-15 11-15 | 2.24 CFS                   | SWNE S10<br>T20N R23E<br>S10 T20N R23E<br>SESW(32) SWSE(10)<br>S03 T20N R23E                                    | DECREE          |

NOT FILMED  
SEP 16 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 19, 1997

PHILIP E. BATT  
GOVERNOR

KELLY THOMAS  
REBA THOMAS  
LENICE THOMAS  
ROBERT L THOMAS  
HC-68 BOX 19  
LEADORE ID 83464

KARL J. DREHER  
DIRECTOR

RE: Water Right No. 74-01660 (Transfer No. 4922)

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4922). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a preliminary order of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to Preliminary Orders if you are in disagreement with the approved transfer.

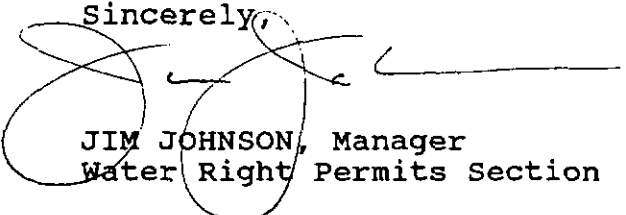
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,

  
JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

Enclosures

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SEP 16 1997

**CERTIFICATE OF MAILING**

I hereby certify that on the 19th day of August, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT NO. 74-01660 (Transfer No. 4922)

KELLY THOMAS  
REBA THOMAS  
LENICE THOMAS  
ROBERT L THOMAS  
HC-68 BOX 19  
LEADORE ID 83464

  
Kari Lynn Townsend  
Secretary

MICROFILMED

SEP 16 1997

MEMORANDUM

TO: FILE NO. 74-01660

FROM: PAM SKAGGS<sup>PS</sup>/STATE OFFICE

SUBJECT: TRANSFER NO. 4922

DATE: August 12, 1997

=====

Transfer No. 4922 changes the point of diversion under Right No. 74-01660, consolidating rights in L-57 and eliminating L-53 as a river diversion.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap, right-of-way and standard transfer conditions. ✓

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SEP 16 1997

TRANSFER REVIEW SHEET  
(06-97)

Transfer # 4922

Date Reviewed 08-11-97  
28

Right(s) 74-01666 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WRD Print Split Summary NA Run POU Comparison Report

B: Change P/D   C: Add P/D   D: Change P/U   E: Change Nature of Use  
F: Change Period of Use   G: Other   H: Change P/D & Add P/D  
I: Change P/D & P/U   J: Add P/D & Change P/U

Proof of Ownership NA - '95 tax print out attached  
\_\_\_\_\_  
\_\_\_\_\_

Transfer ✓ All of Right   \_\_\_\_\_ Portion of Right  
Resulting Split(s) NONE  
\_\_\_\_\_  
\_\_\_\_\_

Check Transfer Against Recorded Right   Season/Vol. B/3.5

(1) ✓ Priority   (2) ✓ Use   (3) \_\_\_\_\_ Season   (4) \_\_\_\_\_ Rate   (5) \_\_\_\_\_ Volume  
(6) ✓ Source   (7) \_\_\_\_\_ P/D   (8) ✓ P/U   (9) NA Proof/Owner   (10) ✓ Map  
(11) 74 Water District   (12) NO Pertinent Conditions   (13) NO Expansion  
    WM Approval Rwd 10-15-96  
(3) Standard Season 4-15 to 10-15 / Early + Late diversion authorized by decree.  
(4) High Diversion Rate .03 cfs/acre - could provide conveyance losses in ditch.  
    New P/D upstream.  
(5) Standard Vol' = 13.5 x 3.5 = (47.3 aka) < VDR  
(7) Change P/D L-53 to L-57

Transfer Remarks \_\_\_\_\_  
Conditions R43, R04, R25, T04, T07, T08, T09  
\_\_\_\_\_

Database/Processing Notes   Standard ✓ Non-Standard \_\_\_\_\_  
T file

Pccommon File Thomas.txt 08-14-97  
File Deleted 28

Transfer Memo Complete ✓  
Database Updated 08-14-97 28

DATE: 08/12/97  
PAGE: 1

- ◀R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
- ◀R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- ◀R25 - This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
- ◀J04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- ◀T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- ◀T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- ◀T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

WRO749NP  
No. 174-01660

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 08/12/97  
PAGE: 2

=====  
Dates: App. Received: Priority Date: 01/04/1888  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 74 Field Exam Fee:

Comments: Date: 08/11/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 4922  
Transfer No. 4922 changes the point of diversion under Right No.  
74-01660 from L-53 to L-57.

Audit: 10/01/96 RBODELL 10/10/96 RBODELL 08/11/97 PSKAGGS 08/12/97 PSKAGGS

SD-0611-2 Basin: 74 Starting Water Right: 01660

| S<br>E<br>L | Water<br>Right No. | Name<br>Last, First | O<br>W<br>N | Priority<br>Date | STG/<br>STS | Source      | Use<br>Desc | S<br>Y<br>S |
|-------------|--------------------|---------------------|-------------|------------------|-------------|-------------|-------------|-------------|
| -           | -                  | -                   | -           | -                | -           | -           | -           | -           |
| -           | 74-01660           | MAHAFFEY, TAYLOR    | C           | 01/04/1888       | D/          | LEMHI RIVER | IRR         | WR          |
| -           |                    | MAHAFFEY, JESSIE B. | C           |                  |             |             |             |             |
| -           | T74-01660          | THOMAS, KELLY       | C           | 01/04/1888       | D/          | LEMHI RIVER | IRR         | WR          |
| -           |                    | THOMAS, REBA        | C           |                  |             |             |             |             |
| -           |                    | THOMAS, LENICE      | C           |                  |             |             |             |             |
| -           |                    | THOMAS, ROBERT      | C           |                  |             |             |             |             |
| -           | -                  | -                   | -           | -                | -           | -           | -           | -           |
| -           | A74-01660          | THOMAS, KELLY J     | C           | 01/04/1888       | D/          | LEMHI RIVER | IRR         | AJ          |
| -           |                    | THOMAS, LENICE      | C           |                  |             |             |             |             |
| -           |                    |                     |             |                  |             |             |             |             |
| -           |                    |                     |             |                  |             |             |             |             |
| -           |                    |                     |             |                  |             |             |             |             |
| -           |                    |                     |             |                  |             |             |             |             |
| -           |                    |                     |             |                  |             |             |             |             |

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE  
 (Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel)

(Menu \_\_\_\_\_)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HGT

1. Right number 74-01660 Applicant Kelly, Rabe, Lurie #4922
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). ~~NA~~
  - f. ☒ Check for correct signature, notarization, and fee.
  - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
  - h. ☒ Check for expansion in use of right. Comments \_\_\_\_\_
  - i. ☒ Check for existing water rights from same source, on land water is being transferred to.  
Right number(s) \_\_\_\_\_
  - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No  
If yes, what district? WD 74 Lemhi River

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on Sept. 25, 1996 Received on Oct. 16, 1996
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions\* \_\_\_\_\_

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MAR 19 1997

Department of Water Resources

4. By [Signature] Date 3/7/97

# NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Kelly or Lenice Thomas, HC 68, Box 19, Leadore, ID, 83464 has applied to the Department of Water Resources to change the point of diversion for a surface water source. The right sought to be changed are evidenced by decree and recorded as follows:

Decree No.: 74-01660

Source: Lemhi River

Amount: 0.14 cfs 0.41

Priority: 01/04/1888

Point of Diversion: SESE, Sec 33, T17N, R25EBM

## TO BE CHANGED AS FOL- LOWS:

The point of diversion will be changed to L-57 in the SWNW, Sec 3, T16N, R25EBM.

Anyone wishing to protest the above change must submit a written protest to the applicant at the above address and to the Department of Water Resources with a fee of \$25.00 on or before October 28, 1996.

KARL J. DREHER

Director

Published in The Recorder Herald on October 10 and 17, 1996.

# Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RECEIVED

JAN 28 1997

Department of Water Resources  
Eastern Region

RICKY G. HODGES

being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the DEPT OF WATER 74-001660

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 TWO (2) consecutive issues, commencing with the issue dated 10/10, 1996 and ending with the issue dated 10/17, 1996

STATE OF IDAHO

County of Lemhi

ss.

On this 17th day of OCTOBER, 1996

before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

*Shirley K. Hodges*  
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires:

9-21-2001

Publication Fee \$

35.64

Account No.

630

SEP 16 1997

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OCT 16 1996

Department of Water Resources  
Eastern District Office

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. TV. 4922 / 74-01660  
(Thomas)

WATER DISTRICT 74

WATERMASTER Rick Sager

DATE: Oct 15, 96

COMMENTS: HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN  
THE LAST FIVE YEARS?

Yes

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

None

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Rick Sager  
Watermaster

MICROFILMED

SEP 16 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

October 2, 1996

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

THE RECORDER-HERALD  
PO BOX 310  
SALMON ID 83467

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 28, 1996.

Yours truly,

*Handwritten signature: Huf for RB.*

Rita Bodell  
Secretary

Enc.

MICROFILMED  
SEP 16 1997

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT**

Notice is hereby given that Kelly or Lenice Thomas, HC 68, Box 19, Leadore, ID, 83464 has applied to the Department of Water Resources to change the point of diversion for a surface water source. The right sought to be changed is evidence by decree and recorded as follows:

Decree No: 74-01660  
Source: Lemhi River  
Amount: 0.41 cfs  
Priority: 01/04/1888  
Point of Diversion: SESE, Sec 33, T17N, R25EBM

**TO BE CHANGED AS FOLLOWS:**

The point of diversion will be changed to L-57 in the SWNW, Sec 3, T16N, R25EBM.

Anyone wishing to protest the above change must submit a written protest to the applicant at the above address and to the Department of Water Resources with a fee of \$25 on, or before October 28, 1996.

KARL J. DREHER  
Director

Published in the Recorder-Herald on October 10 and 17, 1996

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SEP 16 1997



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

SEPT 25, 1996

RICK SAGER  
201 BROADWAY  
SALMON ID 83467

RE: Applications for Transfer No. 4916,4917,4921,4922

Dear Mr. SAGER

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

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

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones  
Water Right Supervisor

HWJ/rb  
enc.

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SEP 16 1997