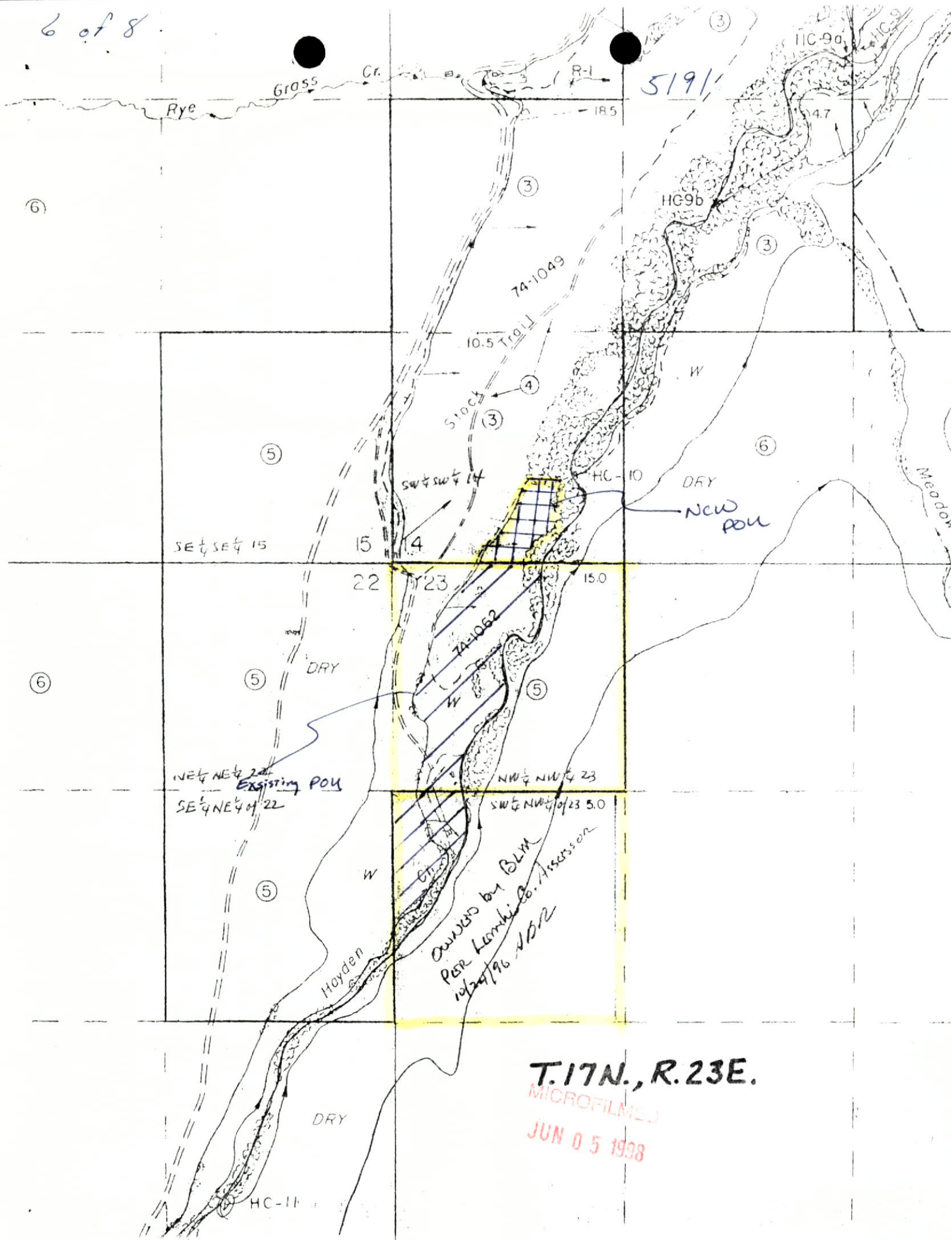


6 of 8



**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5191**

Notice is hereby given that the Her-
mits of Mount Carmel Idaho, Inc., P.O.
Box 37, Lemhi, Idaho have applied to
the Department of Water Resources
to change place of use of the waters of
Hayden Creek tributary to the Lemhi
River. The right sought to be changed
is evidenced by a decree and recorded
as follows:

Decree No.: 74-01062 Source:
Hayden Creek

Amount: 60 cfs Priority: 04/01/1957
Point (s) of Diversion: SW/SE SEC
22 T17N R23E, Lemhi County

The water is used for irrigation of
20 acres from 03/15 to 11/15 within the
NNW SWNW SEC 23 T17N R23E,
B.M.

TO BE CHANGED AS FOLLOWS:

The applicants intend to change the
place of use of the 5 acres currently
listed in the SWNW SEC 23 T17N
R23E, these 5 acres of use will be trans-
ferred to the SWSW SEC 14 T17N
R23E. The 15 acres in the NNW SEC
23 T17N R23E remain unchanged.

Any protests against approval of
the proposed change must be filed with
the Idaho Department of Water Re-
sources, 900 N. Skyline Dr., Idaho Falls,
ID, 83402, together with a protest fee
of \$25 on or before February 9, 1998.
The protestant must also send a copy
of the protest to the applicant.

KARL J. DREHER
Director

1-22-2tc

MICROFILMED

JUN 05 1998

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho,
and of general circulation therein. That the Idaho Dept of Water

T5191

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 1-22-98 and ending with the issue dated 1-29-98

STATE OF IDAHO }
County of Lemhi } ss.

On this 29th day of January in this year of 1998 before me, A Notary Public, person-
ally 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 state-
ments therein are true, and acknowledged to me that he executed the same.

Residing At Salmon, Idaho

Notary Public for Idaho

Shirley L. Hodges

My Commission expires: 9-21-2001

Publication Fee \$ 54.12

Account No. 630

RECEIVED

FEB 23 1998

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5191
WATER RIGHT NO. 74-01062

This is to certify that: **HERMITS OF MOUNT CARMEL IDAHO INC**
PO BOX 37
LEMHI ID 83405

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	0.60 CFS	70.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
HAYDEN CREEK	LEMHI RIVER

Priority: 04/01/1957

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 22, Township 17N, Range 23E
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	23E	14	SWSW	5.0		5.0
		23	NWNW	15.0		15.0
Total number of acres irrigated:						20.0

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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department 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 at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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TRANSFER NO. 5191
WATER RIGHT NO. 74-01062

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
7. Approval of Transfer 5191 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 13th day of March, 1998

J. Glen Saylor
Chief, Water Allocation Bureau

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JUN 05 1998

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5191

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 1

MAR 09 1998

Name of applicant Hermits of Mount Carmel IDAHO INC. Phone Department of Water Resources
Post Office address P.O. Box 37 Lemay, ID 83405

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 change place of use to cover approx. 5
acres in section 14 T12N R28E

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|-------------------|-----------------------|------------------------------|------------------------------|
| <u>74-01062</u> | <u>04-01-1957</u> | <u>0.60 cfs</u> | <u>irrigation</u> | <u>03-15</u> to <u>11-15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | <u>0.60</u> | _____ | _____ to _____ |
| | | <u>.15 cfs</u> | cubic feet per second and/or | _____ acre-feet per annum. |
| 2. Total amount of water being transferred | | | | |
| 3. Source of water <u>Hayden Creek</u> tributary to <u>Lemhi River</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

*Per region review + application map.

20.0

PART 1

6. General Information:

a. Description of diversion system rock beam in creek headgate + ditches to place of use

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No ☐ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

five acres under BLM administration would be dropped and five acres in Sec 14 would be put under irrigation

d. Remarks:

the five acres under water right 79-01068 is administered by the BLM and the water right was mistakenly deeded to the BLM property and not deeded to 41 a lake survey.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____

19 _____

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JUN 05 1998

PART 2

TRANS NO. 5191

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-01062

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	0.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
HAYDEN CREEK	LEMHI RIVER

Priority: 04/01/1957

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 22, Township 17N, Range 23E
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	23E	23	NWNW 15	SWNW 5		20
Total number of acres irrigated:						20

CONDITIONS/REMARKS:MICROFILMED
JUN 05 1998

**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. 74-01062 Decreed to CARL & Dorothy J. Peterson
in case of STATE OF IDAHO vs. CARL & Dorothy J. Peterson
dated June 17, 1971 in BOISE county of Lemhi
- 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 Hayden Creek tributary to Lemhi River

4. Date of priority 4-1-1957

5. Water is used for the following purpose:

amount 0.60 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 0.60 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
		SW	SE	22	17N	23E	Lemhi	Hayden Creek 12

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	23E	23						150	50										20.0

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Total acres 20.0

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 | | 2. Point(s) of Diversion: | |
|-------------|-----|---------------------------|-----|
| amount | for | amount | for |
| (cfs/ac-ft) | | (cfs/ac-ft) | |
| amount | for | amount | for |
| (cfs/ac-ft) | | (cfs/ac-ft) | |
| amount | for | amount | for |
| (cfs/ac-ft) | | (cfs/ac-ft) | |
| amount | for | amount | for |
| (cfs/ac-ft) | | (cfs/ac-ft) | |
| amount | for | amount | for |
| (cfs/ac-ft) | | (cfs/ac-ft) | |

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

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

- [illegible]

2. Point(s) of Diversion:

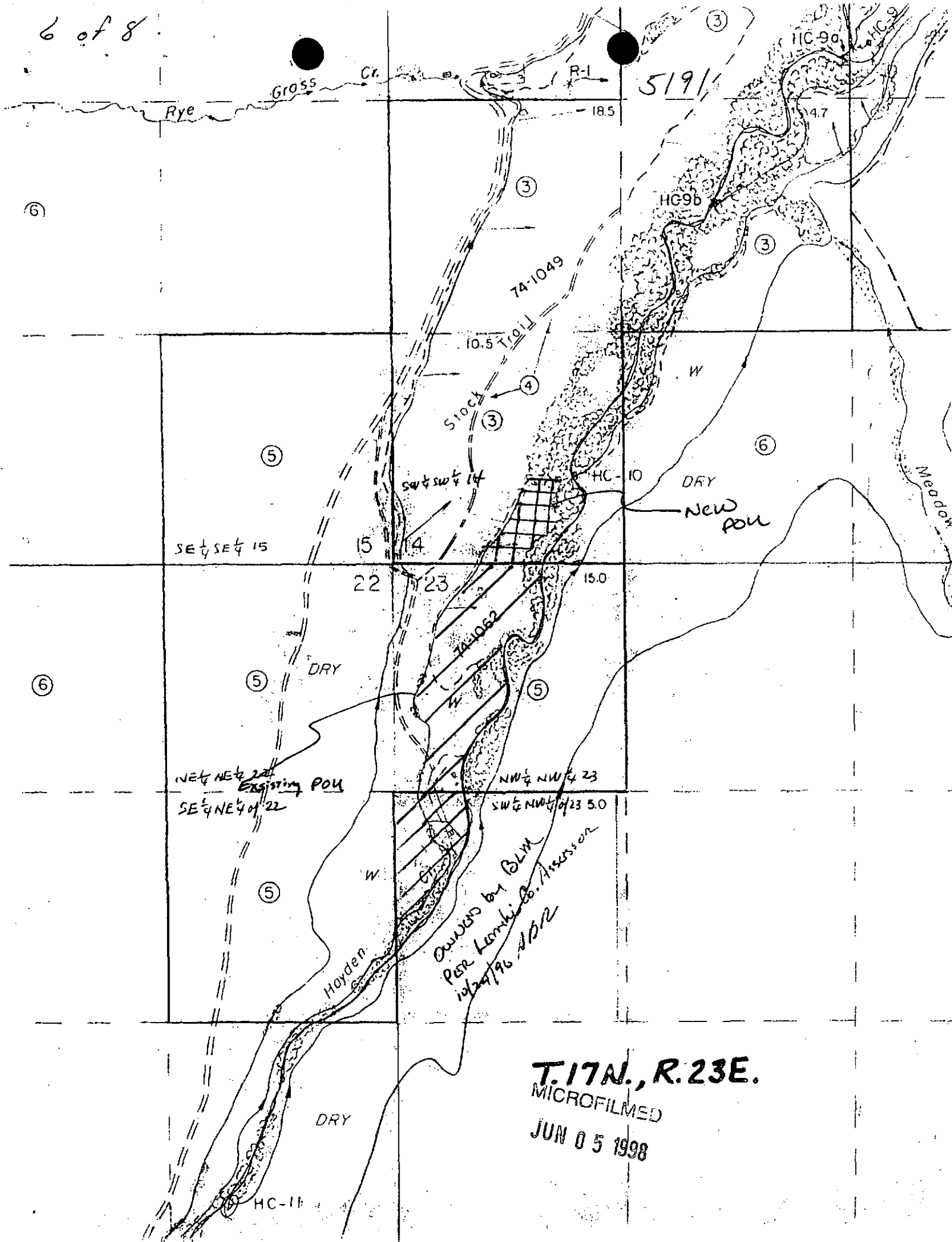
[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

UNCLASSIFIED
JUN 5 1998



T.17N., R.23E.

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JUN 05 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

A large grid for drawing a map, with a circular stamp on the left side and a date stamp at the bottom right.

Circular stamp: STATE OF IDAHO, PUBLIC, FOREST, FOREST, FOREST

DATE: JUN 05 1998

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 30th day of December, 19 96.

Maurice Mansfield for Hermits of Mt Carmel
(Signature of Applicant)

Robert E. Foster
(Notary Public)

My commission expires 02-16-2001

FOR DEPARTMENT USE ONLYTransfer contains 8 pages and 2 attachmentsReceived by BC Date 12/31/96

Protest filed by _____

Prelim. check by _____ Fee \$100.00Receipted by HWT #E022849 Date 12-31-96Published in Recorder Herald, Salmon, ID

Copies of protest forwarded by _____

Pub. dates Jan. 22 and 29, 1998

Hearing held by _____ Date _____

Watermaster recommendation requested on Jan 13, 1998Recommended for ☒ approval ☐ denialRick Sager WD-74 rec'd. Jan 15, 1998by RDC

Copy of transfer sent to lien holder _____

MICROFILMED
JUN 05 1998

THIS INDENTURE, Made this 7th. day of June
 in the year of our Lord one thousand nine hundred and eighty five
 between DOROTHY PETERSON, an unmarried woman
 of Lemhi County of Lemhi
 State of Idaho the party of the first part, and
 PETER BOURNE and MAURICE MANSFIELD, both unmarried men
 of Saint Joseph Church, Leadore County of Lemhi
 State of Idaho the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
 EIGHTY THOUSAND AND NO/100 (\$80,000.00) DOLLARS
 lawful money of the United States of America, to her in hand paid by the
 said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained
 and sold, and by these presents do esgrant, bargain, sell, convey and confirm unto the said parties
 of the second part, and to their heirs and assigns forever, all the following described real estate,
 situated in Lemhi County
 State of Idaho, to wit:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
 of Section Fifteen (15); the East Half of the Northeast
 Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Twenty-two (22); and the Northwest
 Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-
 three (23); All in Township Seventeen (17) North, Range
 Twenty-three (23) East of the Boise Meridian.

Together with all water and water rights, ditches and ditch
 rights, range and range rights appertaining thereto or used
 in connection therewith.

Together with all and singular the tenements, hereditaments
 and appurtenances thereunto belonging or in anywise appertaining.

EXCEPTING THEREFROM: An undivided one-half ($\frac{1}{2}$) interest in
 the mineral rights appurtenant to the following mining claims:

TRUEBLUE Lode Mining Claim, the Location Notice of
 which being recorded in Book 3 of Mining Claims at
 page 458 of the records of Lemhi County, Idaho, to which
 reference is hereby made.

PRIDE OF HAYDEN Lode Mining Claim, the Location Notice
 of which being recorded in Book 4 of Mining Claims at
 page 173 of the records of Lemhi County, Idaho, to which
 reference is hereby made.

The above conveyance is made free and clear of all other encumbrances
 except: Rights-of-Way and easements, reservations in Federal
 patents and State deeds, or other restrictions imposed by law,
 building and use restrictions of record, building and zoning
 regulations and ordinances of any governmental unit.

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JUN 05 1998

ATTACHMENT NO. 1

TOGETHER With all : singular the tenements, hereditane and appurtenances thereunto belonging or in anywise appertaining, reversion and reversions, remainder and remainents, issues and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of the said part y of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part ies of the second part, and to their heirs and assigns forever. And the said part y of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said part ies of the second part, heirs and assigns, against the said part y of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part y of the first part ha s hereunto set her hand and seal the day and year first above written
SIGNED, SEALED AND DELIVERED IN PRESENCE OF

..... } DOROTHY PETERSON [Seal]
..... } [Seal]
..... } [Seal]
..... } [Seal]

STATE OF IDAHO, }
County of Lemhi } ss.

On this 18th day of June in the year 1985, before me
the undersigned a Notary Public
in and for said State, personally appeared DOROTHY PETERSON, an unmarried woman

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.



Bill Allen
Notary Public
Residing at SALMON Idaho.

STATE OF IDAHO, }
County of Lemhi } ss. 226629

I hereby certify that this instrument was filed for record at request of Bill Allen Escrow
at 30 minutes past 2 o'clock P.M., this 13th day of July, A.D. 1985
in my office, and duly recorded in Book MICROFILM at page

Fees, \$ 6.⁰⁰
JUN 05 1986
By Alberta Wiederrick Ex-Officio Recorder.
By Fern J. Norton Deputy

THIS INDENTURE, Made this day of December
in the year of our Lord one thousand nine hundred and eighty five
between PETER BOURNE and MAURICE MANSFIELD, both unmarried men
of Saint Joseph Church, Leadore County of Lemhi
State of Idaho the parties of the first part, and

HERMITS OF MOUNT CARMEL, IDAHO, INC., an Idaho corporation
of Leadore County of Lemhi
State of Idaho the part y of the second part,

WITNESSETH. That the said parties of the first part, for and in consideration of the sum of
DOLLARS,
lawful money of the United States of America, to them in hand paid by the
said part Y of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party
of the second part, and to its heirs and assigns forever, all the following described real estate,
situated in Lemhi County
State of Idaho, to wit:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
of Section Fifteen (15); the East Half of the Northeast
Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Twenty-two (22); and the Northwest
Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-
three (23); All in Township Seventeen (17) North, Range
Twenty-three (23) East of the Boise Meridian.

Together with all water and water rights, ditches and ditch
rights, range and range rights appertaining thereto or used
in connection therewith.

Together with all and singular and tenements, hereditaments
and appurtenances thereunto belonging or in anywise appertaining.

EXCEPTING THERFROM: An undivided one-half ($\frac{1}{2}$) interest
in the mineral rights appurtenant to the following mining
claims:

TRUEBLUE Lode Mining Claim, the Location Notice of
which being recorded in Book 3 of Mining Claims at
page 458 of the records of Lemhi County, Idaho, to
which reference is hereby made.

PRIDE OF HAYDEN Lode Mining Claim, the Location Notice
of which being recorded in Book 4 of Mining Claims
at page 173 of the records of Lemhi County, Idaho,
to which reference is hereby made.

The above conveyance is made free and clear of all other
encumbrances except: Rights-of-Way and easements, reservations
in Federal patents and State deeds, or other restrictions
imposed by law, building and use restrictions of record,
building and zoning regulations and ordinances of any governmental
unit.

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JUN 05 1998

ATTACHMENT NO. 2

TOGETHER With all : singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, reversion and reversions, remainder and remainders, issues and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part, have hereunto set their hands and seals the day and year first above written

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

.....	{	<i>Peter Bourne</i>	[Seal]
.....		PETER BOURNE	[Seal]
.....		<i>Maurice Mansfield</i>	[Seal]
.....		MAURICE MANSFIELD	[Seal]

STATE OF IDAHO, }
County of Lemhi } ss.

On this 17th day of December in the year 19 85, before me the undersigned a Notary Public in and for said State, personally appeared

PETER BOURNE and MAURICE MANSFIELD, both unmarried men

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year on this certificate first above written.



Bill Allen
Notary Public
Residing at Salmon Idaho.

STATE OF IDAHO, }
County of Lemhi } ss. 226630

I hereby certify that this instrument was filed for record at request of *Bill Allen Escrow* at 31 minutes past 2 o'clock P.M., this 13th day of July, A.D. 19 85 in my office, and duly recorded in Book _____ at page _____

Fees, \$ 6⁰⁰

JUN 05 1998

Alberta Whiderrick
By *Teri J. Norton* Ex Officio Recorder.
Deputy

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

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

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.)

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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JUN 05 1998

05/04/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

+INDICATES TOTAL+*			SOURCE: HAYDEN CREEK			TRIBUTARY TO: LEMHI RIVER		
RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT	
74-1049	SCHLEUBER, DELORES R. 5538 UNIVERSITY AVE. SAN DIEGO CA 92105 REMARKS: AC. IRR.=52.9.			1.58 CFS	T17N R23E	N5W(05) N5W(18) S4SW(10) S14 T17N R23E		
74-1830	STEWART, MARVIN W. STEWART, HELEN M. P.O. BOX 20 LEMHI ID 83465 REMARKS: AC. IRR.=24.8.	04-01-1940	IRRIGATION 03-15 11-15	.74 CFS	N5W S01 T17N R23E	N5W(02) N5W(18) DECREE SEW(04) S29 T18N R24E		
74-2314	U.S. DEPT. OF AGRI. FOREST SERVICE SALMON ID 83467	02-06-1954	IRRIGATION 03-15 11-15	.24 CFS	N5W S31 T18N R24E	S4W(12) S29 T18N R24E	DECREE	
74-2315	U.S. DEPT. OF AGRI. FOREST SERVICE SALMON ID 83467	02-06-1954	IRRIGATION 03-15 11-15	.04 CFS	N5W S29 T18N R24E	SEW(02) S29 T18N R24E	DECREE	
74-1062	PETERSON, CARL L. PETERSON, DOROTHY J. P.O. BOX 24 LEMHI ID 83465	04-01-1957	IRRIGATION 03-15 11-15	.60 CFS	S4W S22 T17N R23E	N4W(15) S4W(05) DECREE S23 T17N R23E		
74-1752	STATE OF IDAHO DEPT. OF FISH & GAME BOX 25 BOISE ID 83720	04-01-1959	FISH PROP. 03-15 11-15	.80 CFS	N4W S28 T18N R24E	N4W S28 T18N R24E	DECREE	
74-1753	STATE OF IDAHO DEPT. OF FISH & GAME BOX 25 BOISE ID 83720	04-01-1959	FISH PROP. 03-15 11-15	.80 CFS	N4W S32 T18N R24E	L107 S28 T18N R24E	DECREE	
74-1754	STATE OF IDAHO DEPT. OF FISH & GAME BOX 25 BOISE ID 83720	04-01-1959	FISH PROP. 03-15 11-15	.80 CFS	N5W S31 T18N R24E	L101 S31 T18N R24E	DECREE	
74-1755	STATE OF IDAHO	04-01-1959	FISH PROP. 03-15 11-15		N5W S31 T18N R24E	L111	DECREE	

MICROFILMED
JUN 05 1998



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

March 16, 1998

PHILIP E. BATT
GOVERNOR

HERMITS OF MOUNT CARMEL IDAHO INC
PO BOX 37
LEMHI ID 83405-0037

KARL J. DREHER
DIRECTOR

RE: Water Right 74-01062 (Transfer 5191)

Dear Water Rights Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5191). 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

MICROFILMED

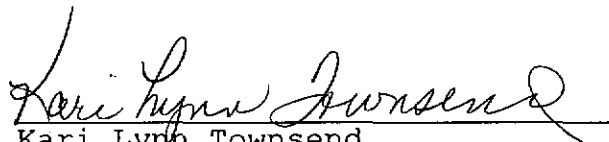
JUN 05 1998

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of March, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 74-01062 (Transfer 5191)

HERMITS OF MOUNT CARMEL IDAHO INC
PO BOX 37
LEMHI ID 83405-0037


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 05 1998



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

March 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RICK SAGER
WATERMASTER
201 BROADWAY
SALMON ID 83467

RE: TRANSFER OF WATER RIGHT 74-01062 (Transfer 5191)

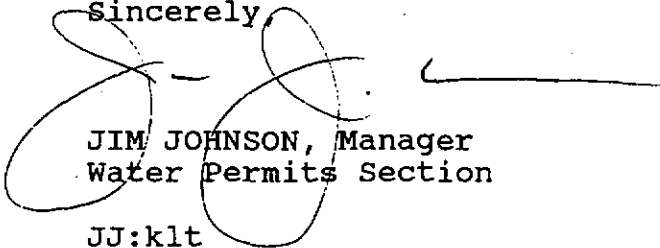
Dear Rick:

Enclosed is a copy of the recently approved Transfer of Water Rights for the above referenced water right (Transfer No. 5191) in the name of Hermits of Mount Carmel Idaho Inc.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Permits Section

JJ:klt

Enclosures

MICROFILMED

JUN 05 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
JUN 05 1998

MEMORANDUM

TO: FILE 74-01062

FROM: PAM SKAGGS²/STATE OFFICE

SUBJECT: TRANSFER 5191

DATE: March 12, 1998

=====

Transfer 5191 changes the place of use[✓] under a portion of Right 74-1062. The original right was developed on 5 acres under BLM administration. The transfer will move the acres to the applicant's property. BLM has provided a letter of agreement to[✓] the transfer proposal.

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.

dc

MICROFILMED

JUN 05 1998

TRANSFER REVIEW SHEET
(06-97)

Transfer # 5191

Date Reviewed 03-12-98
08

Right(s) 74-01062 _____

WRM Print Split Summary ☒ 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 USDIT, BLM agreement letter 1-12-98
Warranty Needs to Hermits includes unchanged portion of rt.

Transfer ☒ All of Right _____ Portion of Right
Resulting Split(s) NONE

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

(1) ☒ Priority (2) ☒ Use (3) _____ Season (4) ☒ Rate (5) _____ Volume
Decreed .03 chg here
(6) ☒ Source (7) ☒ P/D (8) _____ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 74 Water District (12) NO Pertinent Conditions (13) NO Expansion
WM approval rec'd. 1-16-98

(3) Standard Season = 4-15 to 10-15
(5) Standard Vol. = 20 x 3.5 = 70 ac 70 ac $\times .60 \times 183 \times 1.9835 = 217.8 \text{ ac}$
(8) Change P/U - BLM release

Transfer Remarks W57
Conditions R04, R43, R59, T07, T08, T09

Database/Processing Notes Standard ☒ Non-Standard _____
T File

Pccommon File 5191-1-1-08 Transfer Memo Complete ☒
File Deleted 03-13-98 Database Updated 03-13-98 08

WR0749NP
No. T74-01062

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/12/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HERMITS OF MOUNT CARMEL IDAHO INC PO BOX 37 LEMHI ID 83405	04/01/1957	IRRIGATION	04/15 10/15	0.600 CFS	70.00 AFA
TOTAL DIVERSION:					0.600 CFS	70.00 AFA

Water Source: HAYDEN CREEK

Tributary to: LEMHI RIVER

Stage: DECREED

Point(s) of Diversion: T17N R23E S22 SWSE LEMHI County

Point of Diversion Name(s):

Name	Rate	Number
T17N R23E S22 SW SE		HAYDEN CREEK 12

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM		
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
17N	23E	14	:							05								5.0
17N	23E	23	:				15											15.0
TOTAL ACRES																	20.0	

Pou County: LEMHI

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
- R43 - The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- R59 - This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 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.

Remarks: GEN Approval of Transfer 5191 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

WR0749NP
No. T74-01062

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/12/98
PAGE: 2

Dates: App. Received: Priority Date: 04/01/1957
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: 03/12/1998 User-ID: PSKAGGS Subject: TRANSFER 5191
Transfer 5191 changes the place of use under Right 74-01062.

Audit: 01/13/98 RBODELL 03/12/98 PSKAGGS 03/12/98 PSKAGGS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
T17N R23E S 14																			
7400965	HAYDEN CRE :	2		6		6													14
A7400965	HAYDEN CRE :	2		6		6													14
7400970B	HAYDEN CRE :			6						5									11
A7400970B	HAYDEN CRE :			6						5									11
7400970C	HAYDEN CRE :			7						3									10
A7400970C	HAYDEN CRE :			7						2									9
7400970D	HAYDEN CRE :			7															7
A7400970D	HAYDEN CRE :			7															7
7401049	HAYDEN CRE :									4		16		5		18		10	53
A7401049A	HAYDEN CRE :									4		16		5		18			43
A7401049B	HAYDEN CRE :																10		10
7401051	RYE GRASS :											16							16
A7401051	RYE GRASS :											16							16
T7401062	HAYDEN CRE :															5			5
7407023	HAYDEN CRE :	2																	2
A7407023	HAYDEN CRE :	2																	2
7407243	DRY GULCH :	25																	25
NO MAPPING INFO AVAILABLE																			

T17N R23E S 23

7401062	HAYDEN CRE :							15										20
A7401062	HAYDEN CRE :							15										15
R7401062	HAYDEN CRE :							15										15
T7401062	HAYDEN CRE :							15										15
NO MAPPING INFO AVAILABLE																		

No Overlaps

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R74-01062

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HERMITS OF MOUNT CARMEL IDAHO INC

1 - PO BOX 37
2 -
3 -
City- LEMHI State- ID Zip- 83465
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
PETERSON

CARL L

1 - PO BOX 24
2 -
3 -
City- LEMHI State- ID Zip- 83465
Phone - 208-000-0000

PETERSON

DOROTHY J

1 - PO BOX 24
2 -
3 -
City- LEMHI State- ID Zip- 83465
Phone - 208-756-3512

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1957 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
HAYDEN CREEK LEMHI RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
17N 23E 22 SW SE (59) LEMHI

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.450

+ - Total Div. Rate - + + - Total Div. Volume - + * + - Total Consumptive Use - + + - KW Usage - +
0.450 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
17N 23E 23 NW NW 15.0 01 IRRIGATION (59) LEMHI

Total Acres: 15.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - R74-01062

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

GEN CHANGE OF OWNERSHIP 10-24-96, ABR.
RIGHT WAS REDUCED TO 0.45 CFS, AND 15.0 ACRES. THE SWNW SEC.23,
AS CLAIMED, IS HELD BY THE BLM, PER LEMHI CO. ASSESSOR 10-24-96.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - Decree Date - - +

00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

00/00/00

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/09/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X999999	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

1-12-98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T5191

INITIAL REVIEW BY: HLJ

1. Right number 74-01062 Applicant Hearts of Mt Carmel
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 BLM must release 5 acres
OK for water Rt transfer. (Mikewat BLM) (Dave Krosting)
256-5410
- 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 Send copy to
*If yes, what district? WD 74- Lemhi River (Rick Sager)

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on Jan 13, 98 Received on Jan 16, 98
2. Is transfer published correctly? ☐ Yes ☐ No NOA 2-9-98
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* WATER MASTER CONTROL

4. By EDC Date 3/3/98

AD 50 1-13-98
TR 50 1-13-98

T5191

Pam,

This has been a work of frustration.
The hermits wouldn't respond &
Bob Foster had put the "new"
5 acres in the wrong spot.

But the "R" record will be changed to
20 acres in the $1/4$ of $1/4$ recommended.
Duff

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5191**

Notice is hereby given that the Her-
mits of Mount Carmel Idaho, Inc., P.O.
Box 37, Lemhi, Idaho have applied to
the Department of Water Resources
to change place of use of the waters of
Hayden Creek tributary to the Lemhi
River. The right sought to be changed
is evidenced by a decree and recorded
as follows:

Decree No.: 74-01062 Source:
Hayden Creek

Amount: .60 cfs Priority: 04/01/1957
Point (s) of Diversion: SWSE SEC
22 T17N R23E, Lemhi County

The water is used for irrigation of
20 acres from 03/15 to 11/15 within the
NWNW SWNW SEC 23 T17N R23E,
B.M.

TO BE CHANGED AS FOLLOWS:

The applicants intend to change the
place of use of the 5 acres currently
listed in the SWNW SEC 23 T17N
R23E. these 5 acres of use will be trans-
ferred to the SWSW SEC 14 T17N
R23E. The 15 acres in the NWNW SEC
23 T17N R23E remain unchanged.

Any protests against approval of
the proposed change must be filed with
the Idaho Department of Water Re-
sources, 900 N. Skyline Dr., Idaho Falls,
ID, 83402, together with a protest fee
of \$25 on or before February 9, 1998.

The protestant must also send a copy
of the protest to the applicant.

KARL J. DREHER
Director

1-22-2tc

Affidavit of Publication

STATE OF IDAHO } ss.
County of Lemhi

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho,
and of general circulation therein. That the Idaho Dept of Water

T5191

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 1-22-98 and ending with the issue dated 1-29-98

STATE OF IDAHO } ss.
County of Lemhi

On this 29th day of January in this year of 1998 before me, A Notary Public, person-
ally 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 state-
ments 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 \$ 54.12

Account No. 630

RECEIVED

FEB 23 1998

Department of Water Resources
Eastern Region

MICROFILMED

JUN 05 1998

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. T5191
HERMITS OF CARMEL

WATER DISTRICT: 74

WATERMASTER: RICK SAGER

DATE: January 13, 1998

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

YES X NO _____

COMMENTS: _____

X I do endorse approval of this change.

_____ I do not endorse approval of this change.

I recommend the following conditions of approval:

That a regulatable and controlable headgate
be installed ~~upon~~ upon approval of this
transfer.

Rick Sager
Watermaster

Jan 15, 98
DATE

MICROFILMED

JUN 05 1998

RECEIVED

JAN 16 1998

Department of Water Resources
Eastern Region



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

January 13, 1998

RICK SAGER
WATER DIST 74
201 BROADWAY
SALMON ID 83467

RE: Application for Transfer No. 5191
HERMITS OF MOUNT CARMEL ID INC.

Dear Mr. Sager:

Please find enclosed a copy of the above referenced application for transfer. 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.

MICROFILMED

JUN 05 1998



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

January 13, 1998

HERMITS OF MOUNT CARMEL ID INC
PO BOX 37
LEMHI ID 83465

RE: Notice of Application for Transfer No. T5191

Dear Applicants:

This office is currently in the process of advertising the application in the RECORDER HERALD on JAN. 22 & 29, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Harold W. Jones *rb*
Water Right Supervisor

HWJ/rb

MICROFILMED

JUN 05 1998



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

January 13, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECORDER HERALD
CLASSIFIED ADS
PO BOX 310
SALMON ID 83467

Dear Publisher:

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

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

Please send the affidavit of publication and publication billing to this office before February 09, 1998.

Yours truly,

Rita Bodell
Secretary

Enc.

MICROFILMED

JUN 05 1998

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5191

Notice is hereby given that the Hermits of Mount Carmel Idaho, Inc., P.O. Box 37, Lemhi, Idaho have applied to the Department of Water Resources to change place of use of the waters of Hayden Creek tributary to the Lemhi River. The right sought to be changed is evidenced by a decree and recorded as follows:

Decree No.: 74-01062 Source: Hayden Creek
Amount: .60 cfs Priority: 04/01/1957
Point(s) of Diversion: SWSE SEC 22 T17N R23E, Lemhi County
The water is used for irrigation of 20 acres from 03/15 to 11/15 within the NWNW SWNW SEC 23 T17N R23E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicants intend to change the place of use of the 5 acres currently listed in the SWNW SEC 23 T17N R23E. These 5 acres of use will be transferred to the SWSW SEC 14 T17N R23E. The 15 acres in the NWNW SEC 23 T17N R23E remain unchanged.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before February 9, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Recorder Herald on January 22 & 29, 1998.

NOT RECORDED
JUN 05 1998



United States Department of the Interior

RECEIVED

BUREAU OF LAND MANAGEMENT
Upper Columbia - Salmon Clearwater Districts
Lemhi Resource Area
Route 2, Box 610
Salmon, Idaho 83467

JAN 12 1998

Department of Water Resources
Eastern District Office

In Reply Refer To:
2800 (046)

January 9, 1998

State Of Idaho
Department of Water Resources
Eastern Region
900 N. Skyline Suite A
Idaho Falls, ID 83402

Dear Mr. Jones:

In response to our telephone conversation on January 8, 1998, regarding the transfer to move 5 acres of water right 74-01062 off public land to 5 acres in T. 17 N., R. 23 E., Section 14, SWSW. Realizing that the original "place of use" T. 17 N., R. 23 E., Section 23, SWNW, was mistakenly assigned. The Bureau of Land Management (BLM) agrees to the request of the Hermits of Mount Carmel to transfer this water right.

If you have any questions or concerns please contact Dick Buster at (208) 756-5408.

Sincerely,

David E. Krosting
Area Manager

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JUN 05 1998

COPY

JANUARY 6, 1997

HERMITS OF MOUNT CARMEL
PO BOX 37
LEMHI ID 83465

Gentlemen:

I am reviewing your recent application for transfer to move 5 acres of water right 74-01062 off BLM ground to 5 acres in Section 14 T17N R23E.

I recently talked to Dave Krosting of the BLM in Salmon about this. I will need a document signed by the BLM agreeing to this transfer. You can contact Dave at phone number 208-756-5410 or at Rt 2 Box 610, Salmon ID.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:sc

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