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JUN 05 1998

SOIL and CAPABILITY MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

CUSTER

U. S. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

Woodrow M. Cookin New Owner - Wm. Beatty

FARM NO.

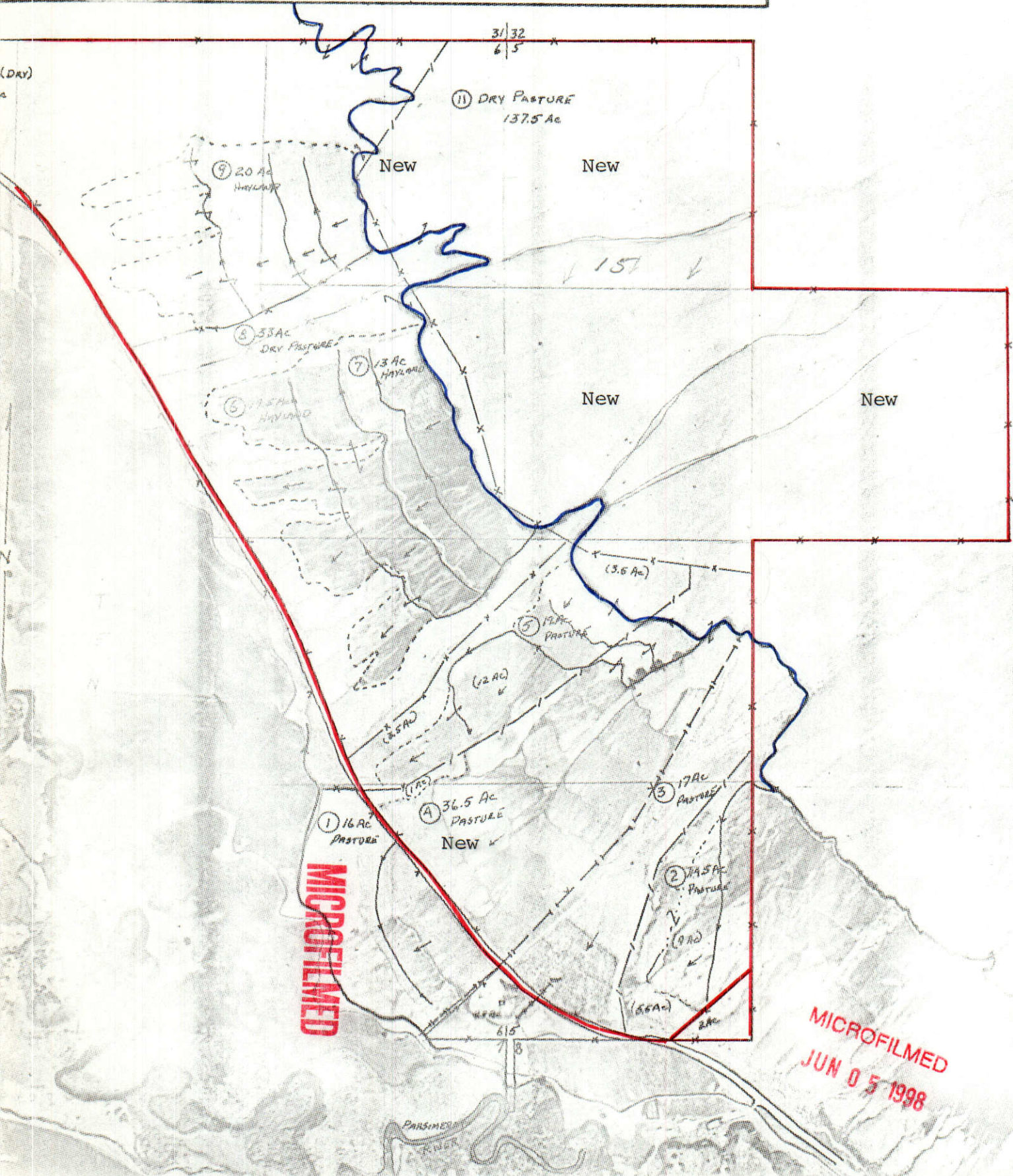
DATE 7-68

SCALE 8" = 1 MILE ACRES 378

PHOTO NO. EGK-1W-152

IDAHO

STATE



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JUN 05 1998

Hearing Water

July 3, 1973
Glen's
work
sheet

SOIL and CAPABILITY MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

CUSTER

S. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

BRADLIN New Owner - Wm. Beatty

FARM NO.

DATE 7-68

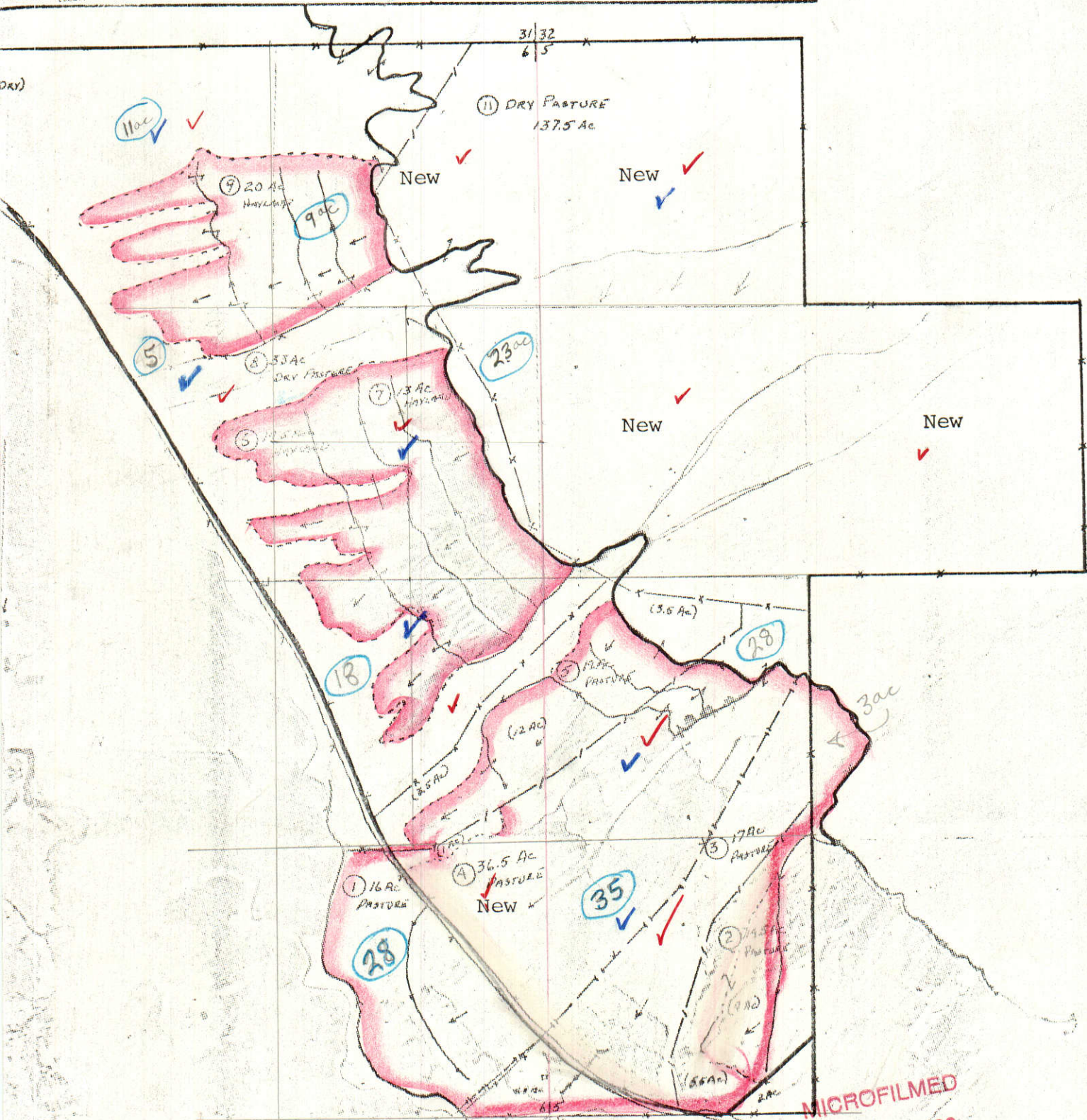
SCALE 8" = 1 MILE APPROXIMATE ACRES 378

PHOTO NO. EGR-1W-152

IDaho

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JUN 05 1998

RECEIVED

**AFFIDAVIT
OF PUBLICATION** **JUL 24 1973**

State of Idaho, Department of Water Administration
County of Custer, Eastern District Office

I, MARGARET PARKS

Publisher of The Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached
and made a part hereof, was pub-
lished in the regular and entire
issue of The Challis Messenger for

2 consecutive weeks, com-
mencing with the issue dated

July 12, 1973,
and ending with the issue dated

July 19, 1973,

Margaret Parks

Subscribed and sworn to be-

fore me this 20th day

of July, 1973.

Clarence Burdett

Notary Public,
Residing at Challis, Idaho.

My Commission expires

8-9-74

PUBLIC NOTICE

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT NO. 73-0084**

Notice is hereby given that Will-
iam & Gertrude A. Beatty of Ellis,
Idaho, have applied to the Depart-
ment of Water Administration for
a change in the place of use of
the waters of Spring Creek (O'Neil
Creek) tributary to Pahsimeroi
River. The right sought to be chang-
ed is evidenced by decree to Minor
A. Brown in the Case of Roscoe
Hamilton, et al, -vs- W. G. Swend-
sen, dated 2/17/26 in the Sixth
District Court of Custer County and
is recorded as follows: Amount:
4.0 cfs. Priority: July 27, 1900.
Present Point of Diversion: (Hard-
scrabble Ditch) NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6,
T. 14N, R. 22E, B.M., Custer County.

The water is used for irrigation
purposes of 240 acres within the
S $\frac{1}{2}$ NE $\frac{1}{4}$, Lot 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6;
W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 5, T. 15N, R. 21E,
B.M.

TO BE CHANGED AS FOLLOWS

The water will be used for irri-
gation of 240 acres within the S $\frac{1}{2}$ -
NW $\frac{1}{4}$, Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5,
NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6, T. 15N, R.
21E, B.M.

Any protest against approval of
the above proposed change of wa-
ter right must be filed with the
Idaho Dept. of Water Administra-
tion, 240 South Holmes Ave., Idaho
Falls, Idaho 83401, on or before
July 30, 1973.

R. KEITH HIGGINSON
Director

Published in the Challis Messenger,
Challis, Idaho, on July 12, and July
19, 1973.

MICROFILMED

JUN 05 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 73-0084

Notice is hereby given that William & Gertrude A. Beatty of Ellis, Idaho, have applied to the Department of Water Ad-

ministration for a change in the place of use of the waters of Spring Creek (O'Neil Creek) tributary to Pahsimeroi River. The right sought to be changed is evidenced by decree to Minor A. Brown in the Case of Roscoe Hamilton, et al, -vs- W. G. Swendsen, dated 2/17/26 in the Sixth District Court of Custer County and is recorded as follows:

Amount: 4.0 cfs Priority: July 27, 1900

Present Point of Diversion: (Hardscrabble Ditch) NW $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 6, T. 14N, R. 22E, B.M., Custer County

The water is used for irrigation purposes of 240 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Lot 2, NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 6; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, T. 15N, R. 21E, B. M.

TO BE CHANGED AS FOLLOWS:

The water will be used for irrigation of 240 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$, Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6, T. 15N, R. 21E, B. M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Administration, 240 South Holmes Ave., Idaho Falls, Idaho 83401, on or before July 30, 1973.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho, on July 12 and July 19, 1973.

7-12-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

JERRY G. ROSIN

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Proposed Change of Water Right #73-0084

is a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated July 12, 1973 and ending with the issue dated July 19, 1973

Jerry S. Rosin
nineteenth

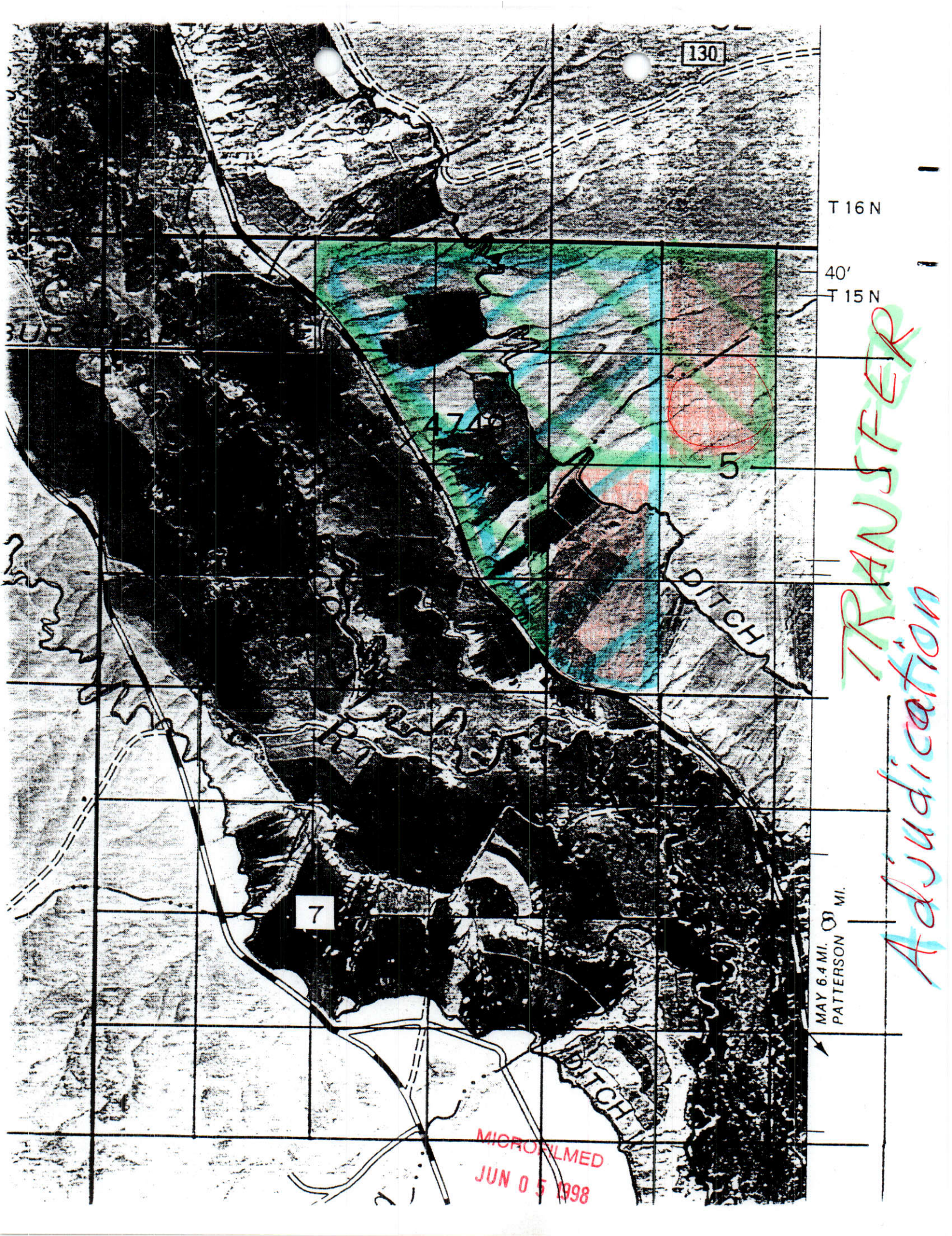
Subscribed and sworn to before me, this _____ day of July, 1973

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

Publication Fee \$ 18.87

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JUN 05 1998



T 16 N

40'
T 15 N

4740

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DITCH

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MAY 6.4 MI. 03 MI.
PATTERSON

MICROFILMED
JUN 05 1998

TRANSFER
Adjudication

COPY



NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT

T. 1768/73-0084

Notice is hereby given that Kenneth & Judith Madsen, May, Idaho, have applied to the Department of Water Resources for a change in the place of use of the waters of O'Neil or Spring Creek tributary to Pahsimeroi River. The right sought to be changed is evidenced by T. 1768 and Decree No. 73-0084 to Minor A. Brown in case of Roscoe Hamilton et al vs. W.G. Swendsen dated in 2/17/26 in Sixth Judicial District Court, Custer County and is recorded as follows:

AMOUNT: 4.00 cfs

PRIORITY: 7/27/1900

POINT OF DIVERSION:

NW 1/4 SW 1/4 Sec. 6, T. 14N, R. 22E, B.M. Lemhi County;

The water is used to irrigate 200 acres within Lot 4 NW 1/4 NW 1/4, SW 1/4 NW 1/4, W 1/2 SW 1/4, Sec. 5, Lot 1 NE 1/4 NE 1/4, Lot 2 NW 1/4 NE 1/4, S 1/2 NE 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4 Sec. 6, T. 15N, R. 21E, B.M.

TO BE CHANGED AS
FOLLOWS

The water will be used to irrigate 200 acres within the NW 1/4, Sec. 5, Lot 1 NE 1/4 NE 1/4, Lot 2 NW 1/4 NE 1/4, S 1/2 NE 1/4, E 1/2 SE 1/4 Sec. 6, T. 15N, R. 21E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before AUGUST 8, 1983.

A. KENNETH DUNN
Director

Published in The Recorder Herald on 7/21 & 7/28/1983.

7-21-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

JUL 29 1983

Department of Water Resources
Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

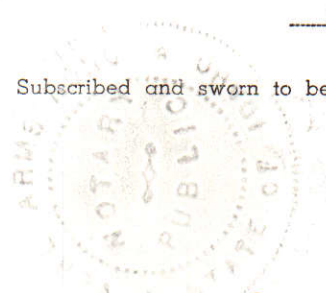
That the Notice of Proposed Change to Water Rt. T.1768/730084

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated July 21, 1983 and ending with the issue dated July 28, 1983

Jerry G. Rosin

Subscribed and sworn to before me, this twenty eighth

day of July, 1983



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

Publication Fee \$ 28.35

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JUN 05 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 2923 OF WATER RIGHT)
NO. 73-0084 IN THE NAME OF KENNETH)
AND JUDITH MADSEN)

ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending applications for transfer and review of Snake River Basin Adjudication claims which have been filed with the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 27, 1983, Kenneth and Judith Madsen (applicants) filed Application for Transfer No. 2923 (application) with the department in connection with water right no. 73-0084. The application proposed the irrigation of Desert Land Entry (DLE) No. I-19854.

2. A review of the Snake River Basin Adjudication claim filed by the applicants in connection with the above captioned water right shows that the proposed transfer does not agree with the adjudication claim which was filed by the applicants subsequent to the filing of the application.

3. The adjudication claim has been filed as the right was last shown in department records and does not claim the change proposed by the pending application for transfer.

4. The department contacted the Bureau of Land Management (BLM) to determine the status of the proposed DLE and determined that the BLM cancelled DLE Application No. I-19854 on May 23, 1984.

CONCLUSIONS OF LAW

1. The applicants do not have a possessory interest in proposed Desert Land Entry No. I-19854, since the BLM has cancelled the proposed entry.

2. Water right no. 73-0084 has been claimed in the Snake River Basin Adjudication as last shown in department records, not as proposed in the pending application for transfer.

3. The department should set aside Application for Transfer

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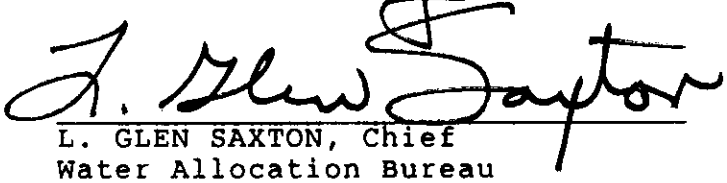
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No. 2923 since the applicants can not utilize the water in connection with the cancelled Desert Land Entry.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 2923 filed in connection with water right no. 73-0084 in the name of Kenneth and Judith Madsen is set aside and will not be further considered by the department.

Dated this 24th day of January, 1992.


L. GLEN SAXTON, Chief
Water Allocation Bureau


JUN 26 1992
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JUN 05 1993

Transfer No. 2923
Water Right No. _____STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**To Change the Point of Diversion and/or the Place of Use**Name of applicant Kenneth & Judith Madsen Phone 876-4218
Post Office address HC 62, Box 2340, May, ID 83253

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
(Transfer No. 1768)
a. Decree No. 73-0084 Decreed to Minor A. Brown
in case of Roscoe Hamilton et al vs W. G. Swendsen
dated in 2-17-26 in Sixth District county of Custer
(Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Right was acquired through purchase of land
3. Source of water O'Neil or Spring Creek tributary to Pahsimeroi River
4. Date of priority July 27, 1900
5. Water is used for the following purposes:
amount 4.00 cfs for irrigation purposes from Mar. 1 to Oct. 31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 4.00 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6
Township 14N Range 22E, B.M., in Lemhi County
Additional points of diversion, if any (Heading of Hardscrabble Ditch)
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15N	21E	5						L. 4 15	32			27	25						99
		6	L. 1 15	L. 2 11	8	33									23			11	101

Total number of acres to be irrigated 200

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 nonuse?
- NO

If yes, describe in item D, REMARKS.

*Set Aside by Order dated 1-24-92. (see file.)

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

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

Total number of acres to be irrigated _____

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

1. General Information

a. Amount of water to be diverted 4.00 c.f.s. &/or _____ acre feet

b. Description of diverting works Headworks of Hardscrabble Ditch

c. Describe the reasons for the proposed changes Applicant have applied for a DLE for the NW¼NW¼, Sec. 5 and have installed a center pivot which already is irrigating the SE¼NW¼, Sec. 5
2. Change in point of diversion

Point of diversion NW ¼ SW ¼, Section 6 Township 14N
Range 22E, B.M., Lemhi County
Additional points _____
3. Change in place of use

a. Are there leins, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer Land from which the water is being removed will only be irrigated in the early spring during "high water" periods.

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c. Describe the land: place of use to which the right will be transferred:

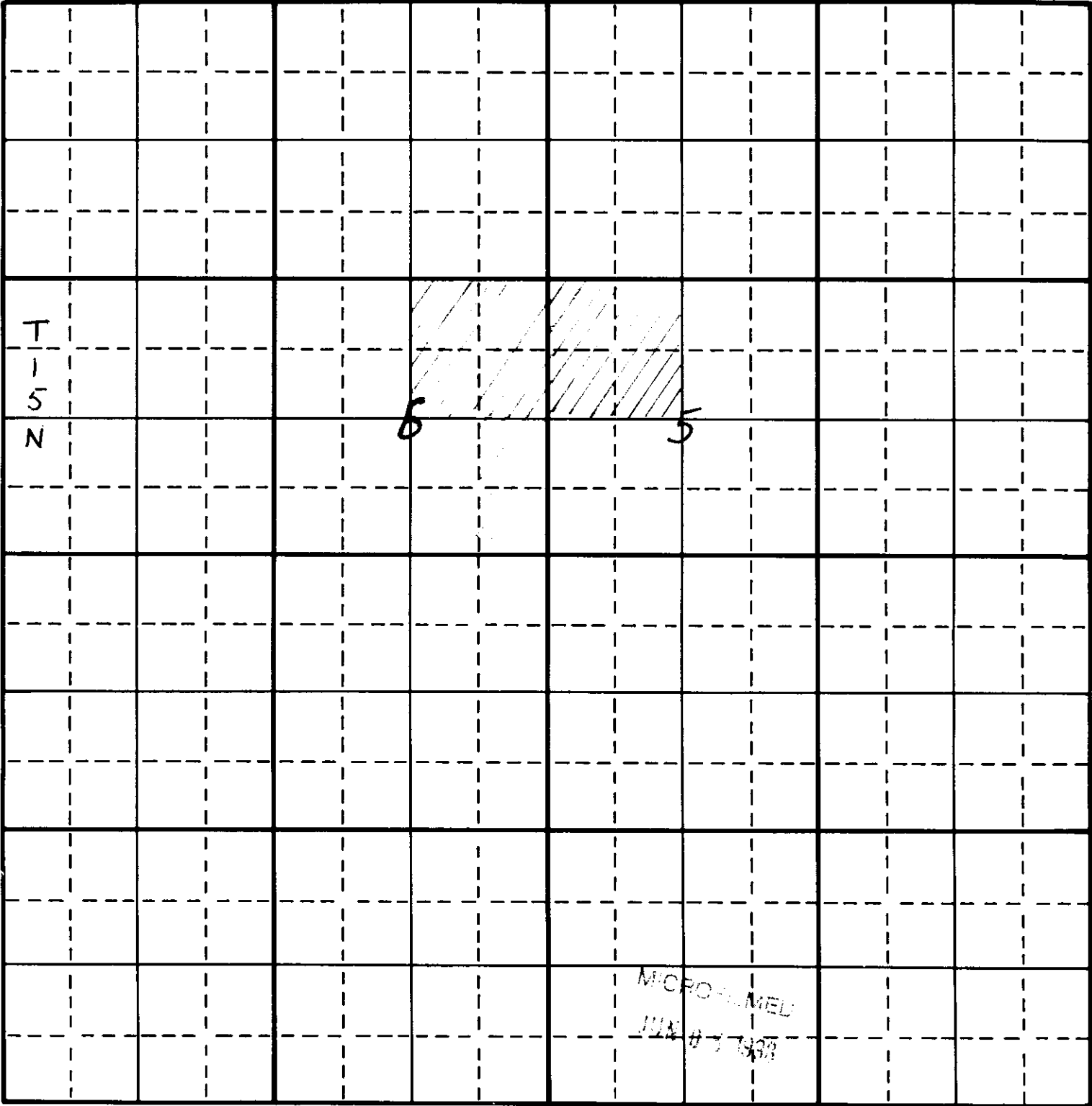
TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15N	21E	5					27	15	32	25									99
		6	L.1 15	L.2 11	8	33								23				11	101

Total number of acres to be irrigated 200

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

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

R 21E



D. REMARKS

If DLE is not granted applicants reserve the right to transfer
water from the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 15N, R. 21E

DLE # I-19854

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

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

Judith A. Madsen
th

Kenneth Madsen
(Signature of Applicant)

Subscribed and sworn to before me this 27 day of June, 19 83

Ronald D. Carlson
(Notary Public)

My commission expires 2/14/86

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by RDC Date 4-27-83
Prelim. check by KCW Fee \$5.00
Receipted by Qu Date 6-27-83
Published in Recorder Herald # 50725
Pub. dates 7/21, 7/28/83
Watermaster recommendation requested on _____
7-22-83 rec'd. 8-8-83

Protest filed by _____

Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for _____ approval _____ denial _____
by _____

WARRANTY DEED

THIS INDENTURE, made this 15th day of June, 1982, between CHARLES R. BOGE and L. JANEICE BOGE, husband and wife, of Idaho Falls, County of Bonneville, State of Idaho, the party of the first part, and KENNEY MADSEN and JUDY W. MADSEN, husband and wife, whose mailing address is May, Idaho, 83253, County of Lemhi, State of Idaho, the party of the second part.

WITNESSETH, that the party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the party of the second part, and to party of the second part's heirs and assigns, forever, all of the following described real estate situated in County of Lemhi, State of Idaho, to-wit:

Lot No. Two (2) and the South Half of the Northeast Quarter (S1/2NE1/4) and the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Six (6), in Township Fifteen (15) North of Range Twenty-one (21) East of the Boise Meridian.

Also the West Half of the Southwest Quarter (W1/2SW1/4) of Section Five (5) in Township Fifteen (15) North of Range Twenty-one (21) East of the Boise Meridian.

Also that certain lot of land described as follows: That part of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Six (6), Township Fifteen (15) North of Range Twenty-one (21) East of the Boise Meridian described as follows:

Beginning at the stone marking the Southeast corner of said Section Six (6), thence North 1320 feet more or less to the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section Six (6), thence West along the North line of said Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), 985 feet to the easterly bank of a

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ditch, thence southerly along the easterly bank of the said ditch to the intersection of the South line of said Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section Six (6), thence East along the said South line of said Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), said Section Six (6) 435 feet more or less to the Place of Beginning.

Also the South Half of the Northwest Quarter (S1/2NW1/4) and Lot Four (4) of Section Five (5) and Lot One (1) of Section Six (6), in Township Fifteen (15) North of Range Twenty-one (21) East of the Boise Meridian.

Excepting from this conveyance and not to be included therein, the following tract of land, to-wit: That part of Lot Two (2), and part of the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section Six (6), Township Fifteen (15) North of Range Twenty-one (21) East of the Boise Meridian described as follows:

Beginning at the point of intersection of the center of the present County Road and the South line of said Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of said Section Six (6), at a point 136 feet West of the Southeast Corner thereof, thence along said County Road as follows; North 28° West 730 feet, thence North 32° West 443 feet; thence North 26° West 345 feet; thence North 38° West 520 feet, north 64° West 195 feet to a point on the West line of said Lot Two (2), thence South along the West line of said Lot Two (2), and the West line of the said Southwest Quarter of the Northeast Quarter (SW1/4NE1/4), 1750 feet more or less to the Southwest corner of said Southwest Quarter of the Northeast Quarter (SW1/4NE1/4), thence East along the South line of the said Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) 1184 feet more or less to the Place of Beginning.

Also excepting the following described tract of land: That part of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Six (6), Township Fifteen (15) North of Range Twenty-one (21) East of the Boise Meridian, described as follows:

Beginning at the Southwest Corner of the said Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of said Section Six (6) thence East along the South line of said Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), 533 feet to the center of the present County Road, thence along said County Road North 28° West 480 feet; North 3° West 115 feet; North 23° West 433 feet; North 32° West 210 feet to a point on the West line of said Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of said Section Six (6), thence South along the West line of said Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) 1120 feet more or less to the Place of Beginning.

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Also excepting that certain right-of-way for road purposes deeded to the State of Idaho by that certain deed dated December 10, 1946, recorded December 27, 1946, in Book 40 of Deeds, page 13, records of Lemhi County, Idaho, to which reference is hereby made and the same is incorporated herein as if herein set forth in full.

TOGETHER with all improvements located thereon or appurtenance thereto. And TOGETHER with water and water rights, ditch and ditch rights used in connection therewith or appurtenant thereto.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

ALSO SUBJECT TO mortgage, dated October 31, 1977, from Noel J. Beasley and Christine Beasley, husband and wife, to the Federal Land Bank of Spokane, a corporation, recorded November 9, 1977, in File of Mortgages, under Instrument No. 138460, records of Lemhi County, Idaho, to secure the payment of \$53,500.00. Party of the second part has agreed to assume said mortgage and the note secured thereby and pay the same in full according to the terms thereof.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of said party of the first part.

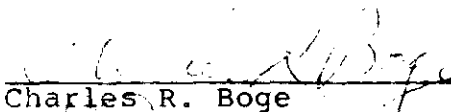
TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the party of the second part, and to party of the second part's heirs and assigns forever. And the party of the first part, and said party of the first part's heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of the party of the second part, and party of the second part's heirs and assigns, against the party of the first part, and party of the first part's heirs, and against all

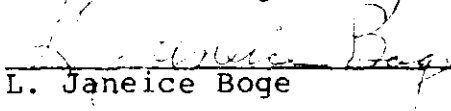
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and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the party of the first part hereunto has set his hand.


Charles R. Boge

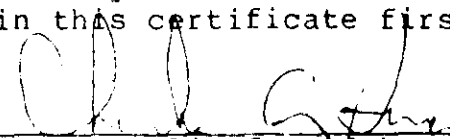

L. Janeice Boge

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 15th day of December, in the year 1982, before me the undersigned, a Notary Public in and for said State, personally appeared CHARLES R. BOGE and JANEICE BOGE, husband and wife, known or identified to me to be the persons whose names are subscribed to the within Warranty Deed, and acknowledged to me that they executed the same.

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

(seal)


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: Nov-1983

JUN 35 1983

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

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

1. Name of Right Holder William and Gertrude A. Beatty
- Post office address Ellis, Idaho 83235
2. Right obtained by:
- a. Decree to Minor A. Brown in Case of Roscoe Hamilton, et al,
- (Name)
- vs. W. G. Swendsen, Dated 2/17/26 in Sixth District
- (Name of Court)
- Court. County of Custer
- b. License No. issued by the State of Idaho, Department of Reclamation.
3. Source of water O'Neil or Spring Creek tributary to Pahsimeroi River
- (Name of stream or source)
4. Date of Priority July 27, 1900
5. Amount of water a. 4.0 c.f.s. and/or
- b. acre feet/annum
6. Water is used for irrigation from March 1 to October 31
- (Month, Day) (Month, Day)
7. Original location of point of diversion is NW 1/4 SW 1/4 of Section 6,
- Hardscrabble Ditch-decree does not describe location
- Township 14N, Range 22E, B.M., in Custer County;
- Additional points of diversion, if any

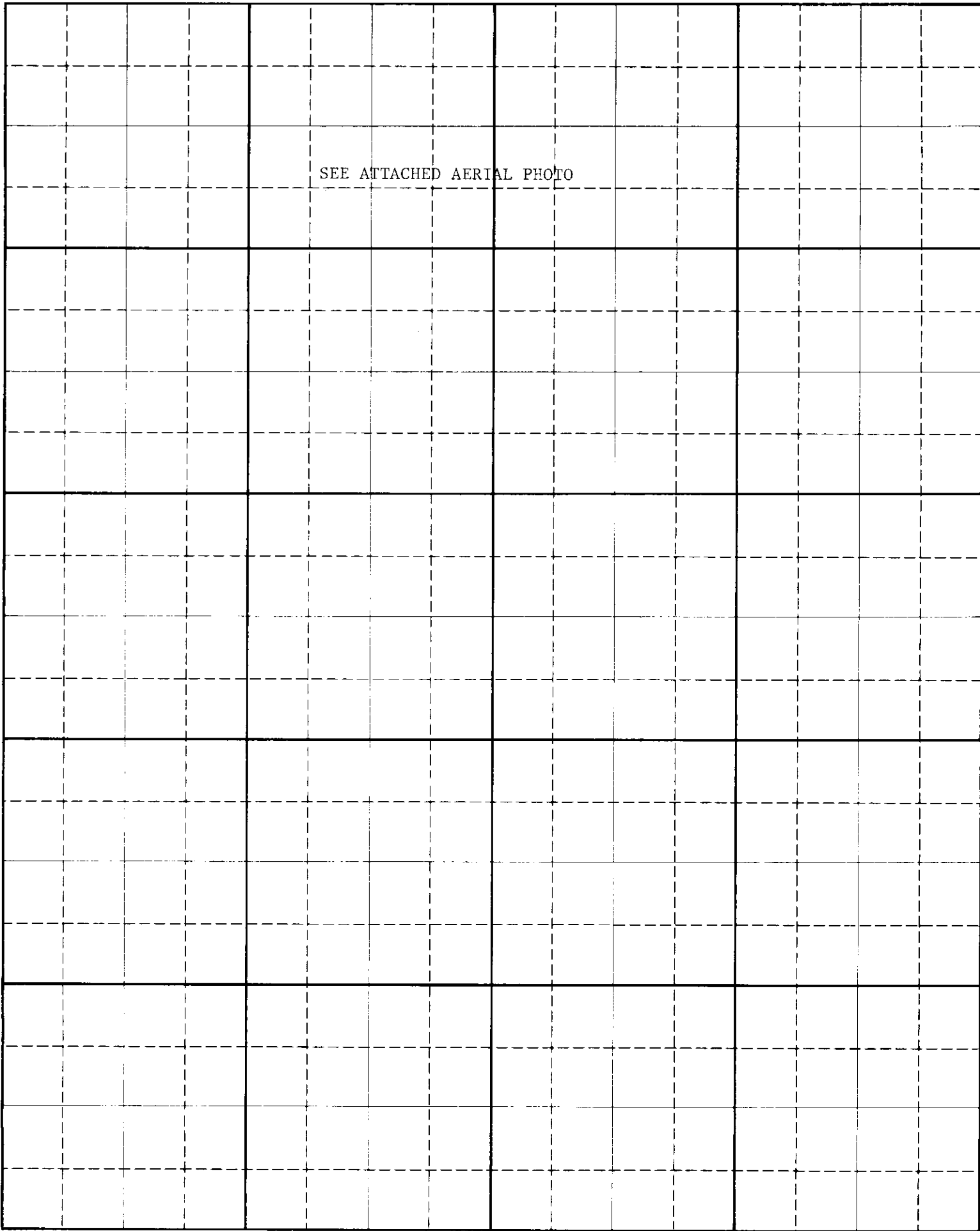
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15N	21E	5										X	X						
		6		X	X	X									X				

Total number of acres presently irrigated 200

MICROFILMED

MICROFILMED
JUN 05 1998



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired:_____

By purchase, deed attached. This deed is not recorded because _____

the land is being purchased under contract. _____

10. CHANGE IN POINT OF DIVERSION NO CHANGE

- a. Quantity to be diverted at new point:_____c.f.s. and/or_____acre feet
- b. New point of diversion:_____ ¼ _____ ¼, Section _____, Township _____
- _____, Range _____, B.M.
- c. Description of method of diversion and conveyance from new points of diversion:_____
- _____
- _____
- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No _____.
- If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
- _____
- _____
- _____
- _____
- f. Do you intend to make the transfer permanent?_____
- g. Do you intend to abandon completely the old point of diversion?_____
- _____
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15N	21E	5						L4											99
		6	L1	L2				15	32				27	25				23	101

Total number of acres to be irrigated 200

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
Yes

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

William Beatty
Gertrude A. Beatty
(signature of applicant)

Subscribed and sworn to before me this 24th day of August, 1973

How E. Mearns
(notary public)

My commission expires 10-10-74

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 73-0084,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be
permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 29th day of August, 19 73

A. Kenneth Munro
Deputy Director

FOR DEPARTMENT USE ONLY

Received by CW Date 7-3-73 Protest filed by: _____ Date _____
Prelim. check by NCY Date 7/5/73 _____
Fee received by mb Date 7-5-73 Fee \$ 30.00 _____
Approved for publication by _____
Published in Callahan News Dates 7-12 + 14-73 _____
Hearing held _____
Watermaster Recommendation sent 7-23-73 mb Ed Gilbert

MICROFILMED
JUN 8 5 1998

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

1. Name of Right Holder William and Gertrude A. Beatty

Post office address Ellis, Idaho 83235

2. Right obtained by:

a. Decree to Minor A. Brown in Case of Roscoe Hamilton, et al,
(Name) 2/17/26
vs. W.G.Swendsen, Dated 11/2/25 in Sixth District
NCY (Name of Court)
Court. County of Custer.

b. License No. issued by the State of Idaho, Department of Reclamation.

3. Source of water O'Neil or Spring Creek tributary to Pahsimori River
(Name of stream or source)

4. Date of Priority July 27, 1900

5. Amount of water a. 4 c.f.s. and/or
b. acre feet/annum

6. Water is used for irrigation from March 1 to October 31
(Month, Day) (Month, Day)

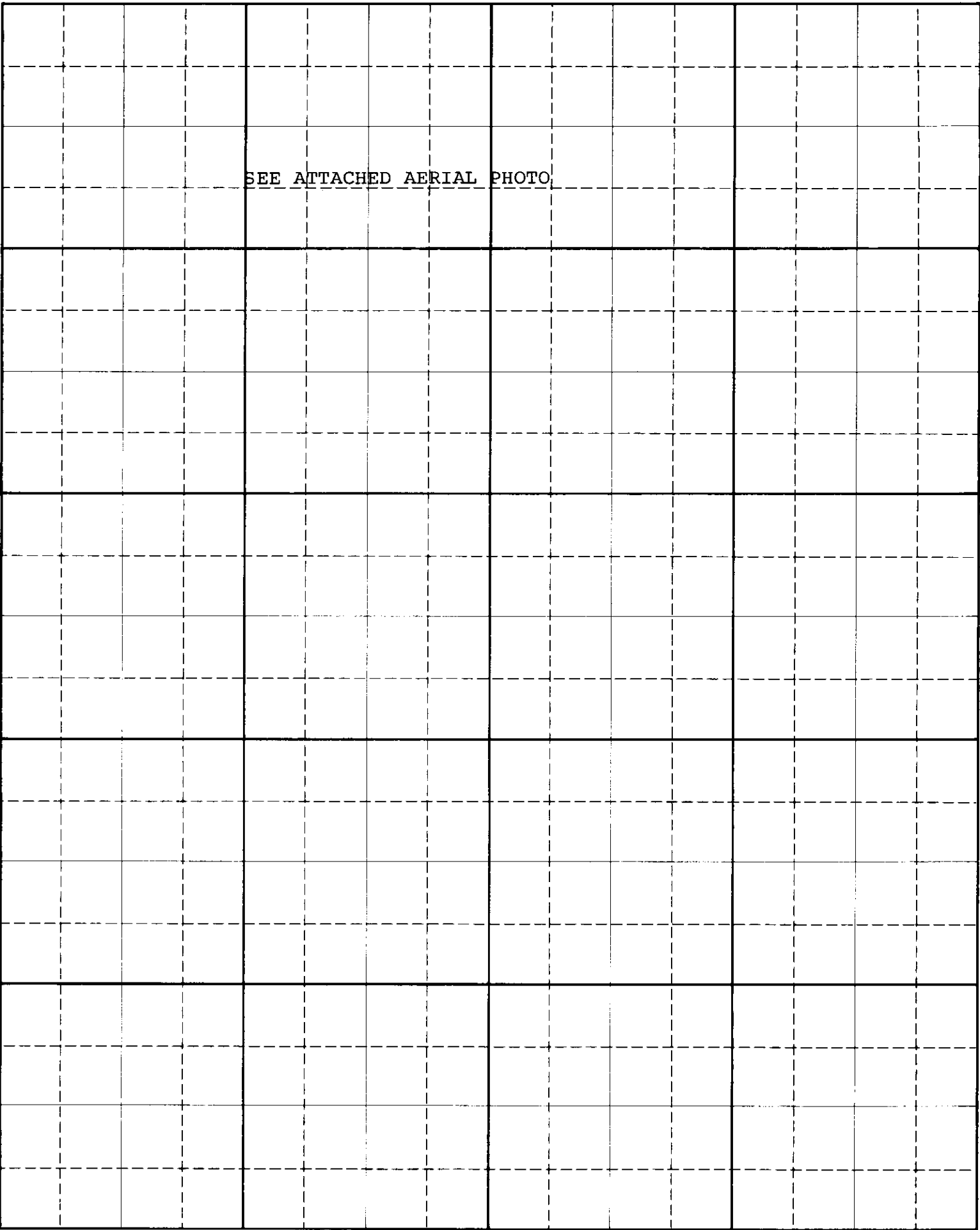
7. Original location of point of diversion is NW 1/4 SW 1/4 of Section 33, Township 14N, Range 22E, B.M., in Custer County;
Hardscrabble Ditch-decree does not describe location
Additional points of diversion, if any

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15N	21E	6		40 L2	40	40									40				160
		5										40	40						80

Total number of acres presently irrigated 240

REC'D - JUL 5
JUN 05 1933



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

MICROFILMED

JUN 05 1998

9. If applicant was not the original holder of this right explain how it was acquired:_____

By purchase, deed attached. This deed is not recorded

because the land is being purchased under contract.

10. CHANGE IN POINT OF DIVERSION -- NO CHANGE

- a. Quantity to be diverted at new point:_____c.f.s. and/or_____acre feet
- b. New point of diversion:_____ ¼ _____ ¼, Section _____, Township _____
- _____, Range _____, B.M.
- c. Description of method of diversion and conveyance from new points of diversion:_____
- _____
- _____
- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No _____.
- If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:_____
- _____
- _____
- _____
- f. Do you intend to make the transfer permanent?_____
- g. Do you intend to abandon completely the old point of diversion?_____
- _____
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15N	21E	5						L4											99
								L5	32	40		27	25						139
		6	L1	L2											23			11	101
			15	11	8	33													

MICROFILMED
JUN 05 1998

Total number of acres to be irrigated 240

- b. Do you intend to make the transfer permanent? yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
yes
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: none
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

William Beatty
(signature of applicant)

Subscribed and sworn to before me this 21st day of June, 19 73

Laura J. Springer
(notary public)

My commission expires 8/12/74.

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. _____,
and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19 _____.

State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by CP Date 7/5/73

Protest filed by: _____ Date _____

Prelim. check by NCY Date 7/5/73

Fee received by CP Date 7-5-73 Fee \$ 30.00

#10262

Approved for publication by NCY

MICROFILMED

Published in Public Notice Dates 7-12-73 to 7-19-73

JUN 05 1973

Hearing held _____

Watermaster Recommendation sent 7-23-73 to Ed Gilbert

Publication app'd NCY 7/22/73

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

WOODR
2...
LEMMI

3. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

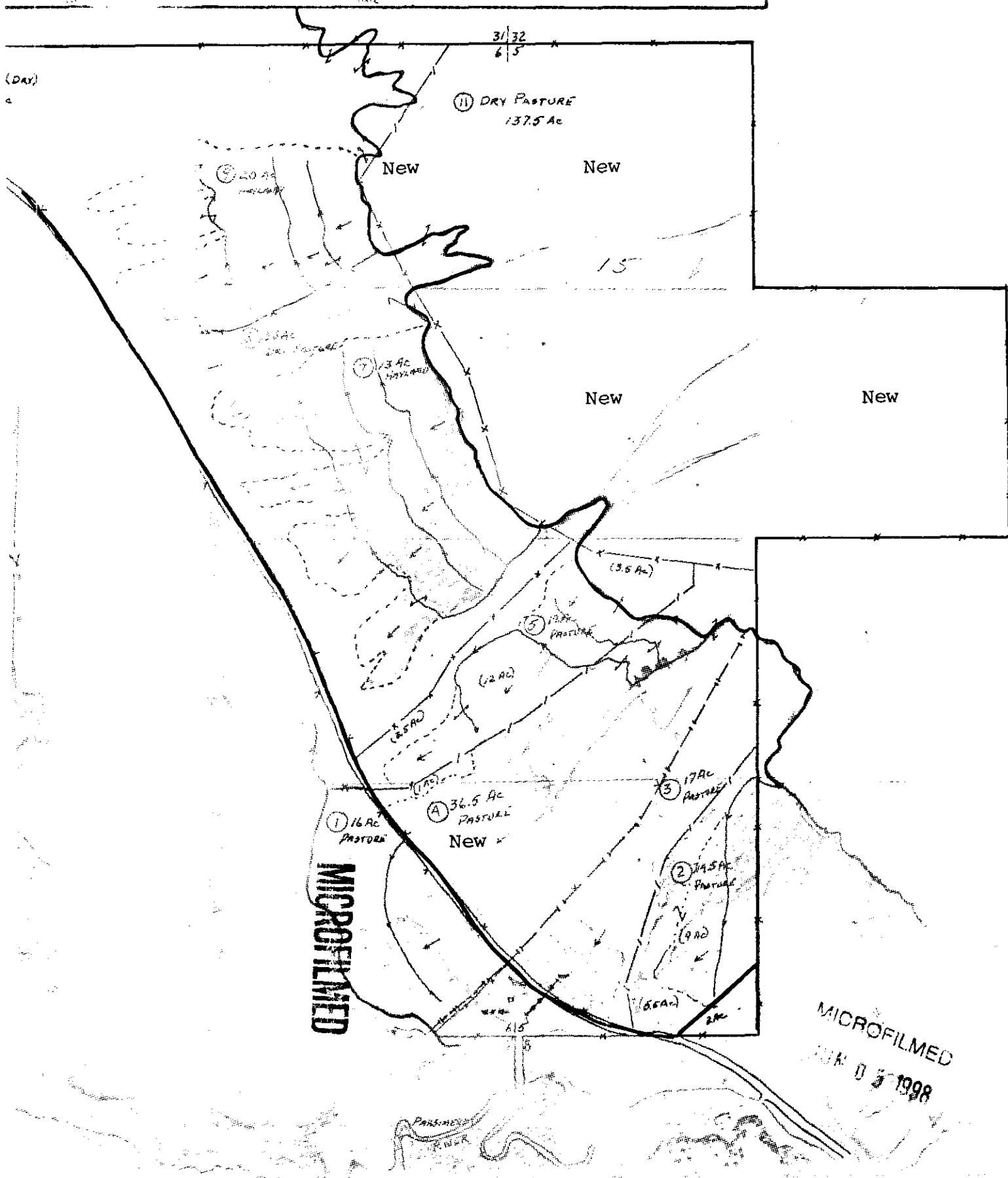
FARM NO.

DATE 7-68

SCALE 8" = 1 MILE ACRES 378

PHOTO NO. EGR-14-152

20440



APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 73-0084

RECOMMENDATION OF WATERMASTER

I, Edgar Short, watermaster of _____,
of Water District No. 11, County of Butte, State of Idaho,
whose address is Lawrence Idaho,
have read the attached copy of the application for transfer of water right for _____
William and Beatrice Beatty, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Administration approve the transfer subject
to the following conditions: Five water on lease

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at May, Idaho, this 30 day of June, 19 53.

Edgar Short
(signature)

MICROFILMED

JUN 05 1958

Please use reverse side if needed.

Mr Beatty wants 100 inches transferred
and this transfer is all in Lemmi Co.

MICROFILMED

JUN 05 1998

Handwritten note: "H. ... sheet"

July 3, 1973

To be Existing Inland
Proposed
Trans.

Exist deced
Inv. land

RECEIVED

Sec 6

JUL 5 1973

NENE — 9 ac
NWNE — 11 ac
SWNE — 5 ac
SENE — 23 ac
NESE — 18 ac
SESE — 28 ac

11
5
23
18

Department of Water Administration
Eastern District Office

Sec 5

NWSW — 28 ac
SWSW — 35 ac

28
35

157 ac
+ 3
160 ac
assumed AF
requirement
157(3) = 471

120 ac
assumed AF
Requirement
120(3) = 360 AF

Norm!

— It appears that if this transfer is approved we should show an acre foot limitation to avoid expansion of the original right. (i.e. 471 AF at the most?)

MICROFILMED

MICROFILMED

JUN 05 1998

— You may want to modify my figures, since this is a preliminary look at the system.

Hearing

Water

July 3, 1953
Glen's
work
sheet

SOIL and CAPABILITY MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

CUSTER

S. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER New Owner - Wm. Beatty

FARM NO.

DATE 7-68

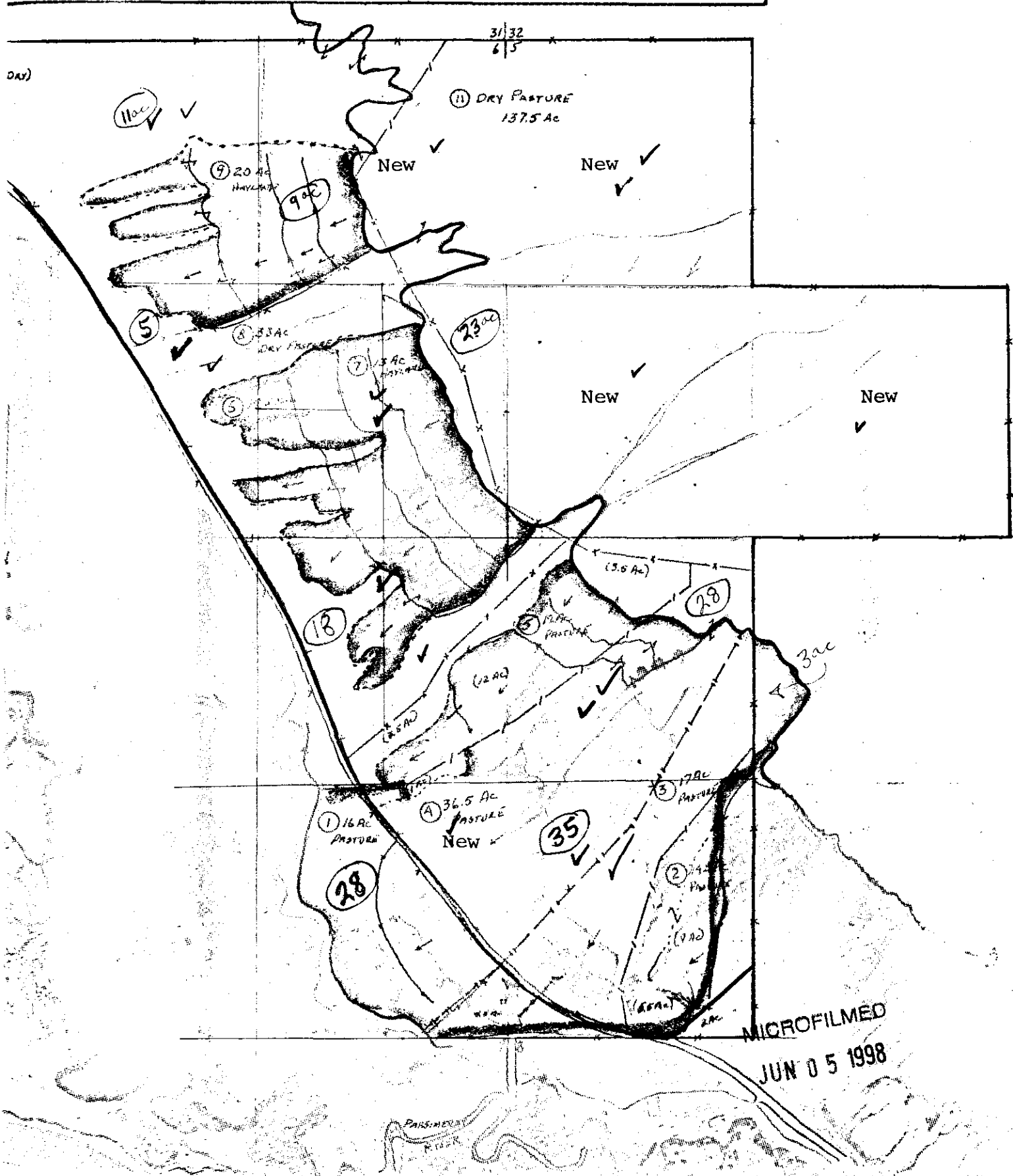
SCALE 8" = 1 MILE ACRES 378

PHOTO NO. EGR-14-152

IDAHOS

STATE

DAY



MICROFILMED
JUN 05 1998

**AFFIDAVIT
OF PUBLICATION 24 1973**

State of Idaho Department of Water Administration
County of Custer, Eastern District Office

I, MARGARET PARKS

Publisher of The Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached
and made a part hereof, was pub-
lished in the regular and entire
issue of The Challis Messenger for

2 consecutive weeks, com-
mencing with the issue dated

July 12, 1973,
and ending with the issue dated

July 19, 1973,

Margaret Parks

Subscribed and sworn to be-

fore me this 20th day

of July, 1973.

Christine Burdett
Notary Public,
Residing at Challis, Idaho.

My Commission expires

8-74

PUBLIC NOTICE

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT NO. 73-0004**

Notice is hereby given that Will-
iam & Gertrude A. Beatty of Ellis,
Idaho, have applied to the Depart-
ment of Water Administration for
a change in the place of use of
the waters of Spring Creek (O'Neil
Creek) tributary to Pahsimeroi
River. The right sought to be chang-
ed is evidenced by decree to Minor
A. Brown in the Case of Roscoe
Hamilton, et al, -vs- W. G. Swend-
sen, dated 2/17/36 in the Sixth
District Court of Custer County and
is recorded as follows: Amount:
4.0 cfs. Priority: July 27, 1900.
Present Point of Diversion: (Hard-
scrabble Ditch) NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6,
T. 14N, R. 22E, B.M., Custer County.

The water is used for irrigation
purposes of 240 acres within the
S $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6;
W $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 15N, R. 21E,
B.M.

TO BE CHANGED AS FOLLOWS

The water will be used for irri-
gation of 240 acres within the S $\frac{1}{4}$ -
NW $\frac{1}{4}$, Lot 4, W $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5;
NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 15N, R.
21E, B.M.

Any protest against approval of
the above proposed change of wa-
ter right must be filed with the
Idaho Dept. of Water Administra-
tion, 240 South Holmes Ave., Idaho
Falls, Idaho 83401, on or before
July 30, 1973.

R. KEITH HIGGINSON
Director

Published in the Challis Messenger,
Challis, Idaho, on July 12, and July
19, 1973.

MICROFILMED

JUN 05 1988

NOTICE OF PROPOSED CHANGE

There is a proposed change in the use of the waters of O'Neill Creek (O'Neill Creek) tributary to Pahsimessol River. The right sought to be changed is evidenced by decree to Minor A. Brown in the Case of Brown v. Hamilton, et al. -vs- W. A. Brown, dated 2/17/26 in the District Court of Custer County and is recorded as follows:

Amount: 4.0 cfs Priority: 1st 1900

Point of Diversion: (Grassable Ditch) NW 1/4 - Sec. 6, T. 14N, R. 22E, B.M. Custer County

The water is used for irrigation purposes of 240 acres within the S 1/4 NE 1/4, Lot 2, NE 1/4 - Sec. 6; W 1/4 SW 1/4, Sec. 5, T. 15N, R. 21E, B. M.

TO BE CHANGED AS FOLLOWS:

The water will be used for irrigation of 240 acres within the S 1/4 NW 1/4, Lot 4, W 1/4 SW 1/4, Sec. 5; NE 1/4, E 1/4 SE 1/4, Sec. 6, T. 15N, R. 21E, B. M.

For and against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Conservation, 240 S. 4th St., Idaho Falls, Idaho 83402, on or before July 30, 1973.

W. H. HIGGINSON

Notary Public for the State of Idaho, on July 17 and July 18, 1973.

7-12-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

JERRY G. ROSIN

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Proposed Change of Water Right #73-0084

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated July 12, 1973 and ending with the issue dated July 19, 1973

Jerry G. Rosin
nineteenth

Subscribed and sworn to before me, this

day of July, 1973

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

Publication Fee \$ 18.87

MICROFILMED

JUN 05 1998

Lot 2 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6 in Township 15 North of Range 21 East of the Boise Meridian, containing 160 acres. Also the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 5 in Township 15 North of Range 21 East of the Boise Meridian, containing 80 acres of land.

Also one certain piece or strip of land to be used as a lane giving the owners of this land an opening or access to the Pahsimeroi River for watering purposes; this piece of land is to be 33 feet wide and 32 rods long; it lies in the west side of what was C.G. Black's land, now belonging to Louis A. Wells and is immediately east of the division line between Louis A. Wells, and the lands of Alvin Ellis in S. 8, T. 15 N., R. 21, E.B.M. Commencing at the Northwest corner of the Wells ranch and running South to the water, namely Pahsimeroi River. This land is not to be opened until it is fenced.

Also that certain lot of land described as follows: That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 6, T. 15 N., R. 21, E.B.M., described as follows:

Beginning at a stone marking the SE corner of said S. 6, thence North 1320 feet, more or less, to the NE corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said S. 6, thence West along the North line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, 985 feet to the easterly bank of a ditch; thence southerly along the easterly bank of said ditch to the intersection of the south line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said S. 6; thence East along the said south line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, said S. 6, 435 feet, more or less, to the place of beginning, containing 29 acres, more or less, and being that certain tract of land conveyed to Minor A. Brown by H.C. Evans and Minnie Evans, his wife, by deed dated April 9, 1927, and recorded in Book 27 of Deeds, page 287, records of Lemhi County, Idaho.

Also, S $\frac{1}{2}$ NW $\frac{1}{4}$ and Lot 4 of Section 5, and Lot 1 of Section 6, in Township 15 North of Range 21, East of the Boise Meridian.

Excepting from this conveyance and not to be included therein the following tract of land, to wit: That part of Lot 2, and part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of S. 6, T. 15 N., R. 21, E.B.M., described as follows:

Beginning at the point of intersection of the center of the present County Road and the south line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Sec. 6, at a point 136 feet west of the SE corner thereof; thence along said County Road as follows: N. 28° W. 730 feet; thence North 32° W. 443 feet; thence North 26° W. 345 feet; thence North 38° W. 520 feet; North 64° W. 195 feet to a point on the west line of said Lot 2; thence South along the west line of said Lot 2, and the west line of the said SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1750 feet, more or less, to the SW corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence East along the south line of the said SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1184 feet, more or less, to the place of beginning, containing 26.5 acres, more or less.

Also excepting the following described tract of land: That part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of S. 6, T. 15 N., R. 21, E.B.M., described as follows:

Beginning at the SW corner of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said S. 6, thence east along the south line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 533 feet to the center of the present County Road; thence along said County Road N. 28° W. 480 feet; north 3° W. 115 feet; N. 23° W. 433 feet; N. 32° W. 210 feet to a point on the west line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said S. 6; thence S. along the west line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1120 feet, more or less, to the place of beginning, containing 6.5 acres, more or less, being the same land conveyed to H.C. Evans by Minnie A. Brown and another

Brown, husband and wife, by deed dated April 9, 1927, and recorded in Book 27 of Deeds, page 286, records of Lemhi County, Idaho.

Also, excepting that certain right of way for road purposes deeded to the State of Idaho by that certain deed dated December 10, 1946, recorded December 27, 1946, in Book 40 of Deeds, page 13, records of Lemhi County, Idaho, to which reference is hereby made and the same is incorporated herein as if herein set forth in full.

Together with an undivided two-tenths interest in and to what is known as the Hard Scrabble ditch or canal, conveying water to this land; also all lateral ditches in connection or appertaining/thereto.

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

Also, one (1) sprinkler system on the premises.

WARRANTY DEED

For Value Received, WOODROW M. CONKLIN and FLORENCE A. CONKLIN,
husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

WILLIAM BEATTY and GERTRUDE A. BEATTY, husband and wife,

the grantee s, the following described premises, ~~taxed~~ in Lemhi County, Idaho,
to wit:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee s, that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: May 21, 1970.

Woodrow M. Conklin
Florence A. Conklin

STATE OF IDAHO, COUNTY OF
On this _____ day of _____, 1970,
before me, a notary public in and for said State, personally
appeared Woodrow M. Conklin and Florence
A. Conklin, husband and wife,

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

Residing at _____, Idaho
Comm. Expires _____
Notary Public

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.
Fees \$ _____
Mail to: _____

INSTRUMENT NO.

RECEIVED

APR 29 1998

Department of Water Resources
Eastern Region

IN THE MATTER OF)
)
APPLICATION FOR TRANSFER)
)
NUMBER 2923)
)
IN THE NAME OF)
)
Kenneth Madsen)
)
)

WITHDRAWAL

I hereby withdraw Application for Transfer number 2923
and ask that it be voided from the Idaho Department of Water
Resources records.

Signed this 27 day of April 1998

Signature: Kenneth Madsen

MICROFILMED
APR 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY:

K. C. Wilson

1. Right number 73-0084/T 1768 Applicant Kenneth & Judith Madson

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 NONE

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

Right number(s) [73-0081 and 73-2163] (Different Source)

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

If yes, what district? 73

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 7-22-82 Received on 8-8-82

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions* Set Aside by Order dated 01-24-92.

Withdrawal Form Submitted 04-29-98.

28 5-11-98

4. By _____ Date _____



**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**

April 23, 1998

**Kenneth Madsen
HC 62 Box 2340
May ID 83253**

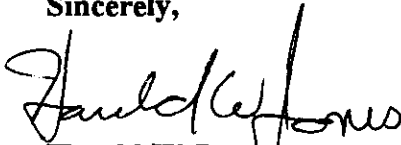
RE: Notice of Intent to Void Application for Transfer #2923

Mr. Madsen:

I wrote you on March 18, 1998, (see copy enclosed) asking you to sign and send back a relinquishment form on Application for Transfer #2329. To date I have not received it. I have included another form for your use.

I will need the new form signed and sent back within 14 days. If I do not receive the form within that time, I will issue a preliminary order to cancel Application for Transfer #2923.

Sincerely,


**Harold W Jones
Water Rights Supervisor**

HWJ:sc

Enclosure

**MICROFILMED
JUN 03 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

MARCH 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KENNETH MADSEN
HC 62 BOX 2340
MAY ID 83253

RE: Transfer application #2923

Mr. Madsen:

Our office has received the March 6, 1998, letter from the BLM (see copy enclosed) which states that your DLE application IDI-19854 was closed out in May 23, 1984. This effectively negates transfer application #2923 (copy enclosed).

I have included a relinquishment form for you to sign and return to me so I can close our file also. If you have any questions, please let me know.

Sincerely,

Harold W Jones
Water Resources Supervisor

HWJ:sc

MICROFILMED

JUN 05 1998

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

RECEIVED

MAR 12 1998

Department of Water Resources
Eastern Region

Memorandum

Date: March 09, 1998

To: Keith Wilson, Eastern Region

From: *ff*
Bob Foster, Salmon

Re: Kenneth Madsen Transfer #1768/73-00084

I have enclosed a letter from the Salmon Area Manager of the Bureau of Land Management concerning a DLE application by Ken Madsen made in 1983. As stated in the letter the DLE application was rejected in April of 1984 and the file was closed in May of 1984. Based on the information received from the BLM the transfer should probably be withdrawn.

MICROFILMED

JUN 05 1998



United States Department of the Interior

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

In Reply Refer To:

2520 (045)
IDI-19854

March 6, 1998

Bob Foster
Idaho Department of Water Resources
206 Van Dreff
Salmon, ID 83467

Dear Bob:

A Desert Land Entry Application was submitted to the office by Ken Madsen on August 9, 1983. The application, serialized as IDI-19854, was rejected on April 9, 1984, and the case was closed on May 23, 1984.

There should no longer be a need for Mr. Madsen to transfer water to the public land described as T. 15N., R. 21E., Section 5: Lot 3 containing 39.79 acres. If you need any additional information concerning this, please contact Gloria Romero at (208) 756-5421.

Sincerely,

Renee Snyder
Area Manager

MICROFILMED

JUN 04 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

February 25, 1998

Bob Foster
% Idaho Department of Water Resources
Van Dreff Offices Ste B
Salmon, ID 83706

RE: Transfer 1768/73-00084

Dear Bob:

I faxed this file to you on December 12, 1997, and as of today's date I still have this file on my desk. To insure that you received the file I am enclosing a copy of the file for your convenience.

This is one of those oldie-moldy ones. Hope you can sort it out better than I.

Thanks,

Keith C. Wilson
Senior Resource Agent

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

December 12, 1997

Bob Foster
% Idaho Department of Water Resources
Van Dreff Offices Ste B
Salmon, ID 83706

RE: Transfer of 73-00084

Dear Bob:

This is an old transfer that needs to be resolved. Please check with the BLM on DLE #19854 (number may not be correct) for the NE~~1/4~~NW~~1/4~~ Sec 5, T15N, R21E. It appears that as late as August 1994, Mr. Madsen was still trying to get the DLE approved.

Hopefully, your investigation into this will resolve the situation and action can be taken on this transfer.

You may have already handled this, but I don't remember if we have discussed this transfer. Let me know as soon as possible what you find.

Thanks,

Keith C. Wilson
Senior Resource Agent

MICROFILMED

JUN 15 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

December 4, 1996

Bob Foster
C/O Idaho Department of Water Resources
Van Dreff Offices Ste B
Salmon, ID 83706

RE: Transfer 1768/73-00084

Dear Bob:

This is an old transfer that needs to be resolved. Please check with the BLM on DLE #19854 (number may not be correct) for the NE1/4NW1/4 Sec 5. T15N, R21E. It appears that as late as 18 August 1994, Mr. Madsen was still trying to get the DLE approved.

Hopefully, your investigation into this will resolve the situation and we can act on the transfer by approving or disallowing the transfer.

Please let me know as soon as possible about this transfer.

Thanks,

Keith C. Wilson
Senior Resource Agent

RECORDED

JUN 05 1997

ACTION REQUIRED

FROM: KEITH C. WILSON

8-18-1944

TO: Transfer file 73-00084

I called the Salmon office of BLM to determine status of the DLE. I was told to talk with Bob Hium, but he was out on a fire. I left a message asking about the DLE for Kenneth; Judith Madsen, Reference # I-19854, PM of NENW Sec 5, T15N, R 21E. I informed them that the DLE # may be incorrect. They said that they would leave the message ~~with~~ for him.

Keith C Wilson

ACTION REQUIRED

23 Mar 92

FROM: KEITH C. Wilson

TO: Transfe 73-00084

Mr. Madsen called today and informed me that the BLM and he were still working on the DLE. He still wants to persue the transfer.

KCW



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

16 March 1992

Kenneth Madsen
HC 62 Box 2340
May, Idaho 83253

RE: Application for Transfer 73-00084

Dear Mr. Madsen:

Prior to the commencement of the Snake River Adjudication you filed an application for transfer for water right 73-00084. The application for transfer included land designated as Desert land Entry # 19854 for the NENW (Lot 3) Sec 5, T15N, R21E. Because of the nature of the transfer it was the decision of this department to use the adjudication claim in sorting out how the water right should be recorded.

Now that the adjudication claim has been filed this office would like to rectify the transfer application and the adjudication claim. The adjudication claim that you filed on water right 73-00084 under the Snake River Adjudication DOES NOT match the transfer. Also, according to the BLM office in Salmon DLE #19854 was canceled in May 1984.

In order to rectify the difference between the adjudication claim and the application for transfer please contact this office on or before 16 April 1992.

Enclosed for your convenience is a copy of the adjudication claim and the application for transfer that have been filed with the department.

Your prompt response will be appreciated.

Sincerely,

Keith C. Wilson
Senior Resource Agent

MICROFILMED

JUN 05 1998

FROM: KEITH C. WILSON

12 MAR 1992

TO: APPLICATION FOR TRANSFER FILE 73-00084

SUBJECT: PLACE OF USE DIFFERENCES BETWEEN TRANSFER APPLICATION
AND ADJUDICATION CLAIM

ADJUDICATION CLAIM SAME PLACE OF USE AS WATER RIGHT.

W1/2W1/2 SEC 5

NE1/4, E1/2SE1/4 SEC 6, T14N, R22E

TRANSFER PLACE OF USE:

NW1/4 SEC 5 (CHANGE IN P/U)

NE1/4, E1/2SE1/4 SEC 6, (NO CHANGE) T14N, R22E

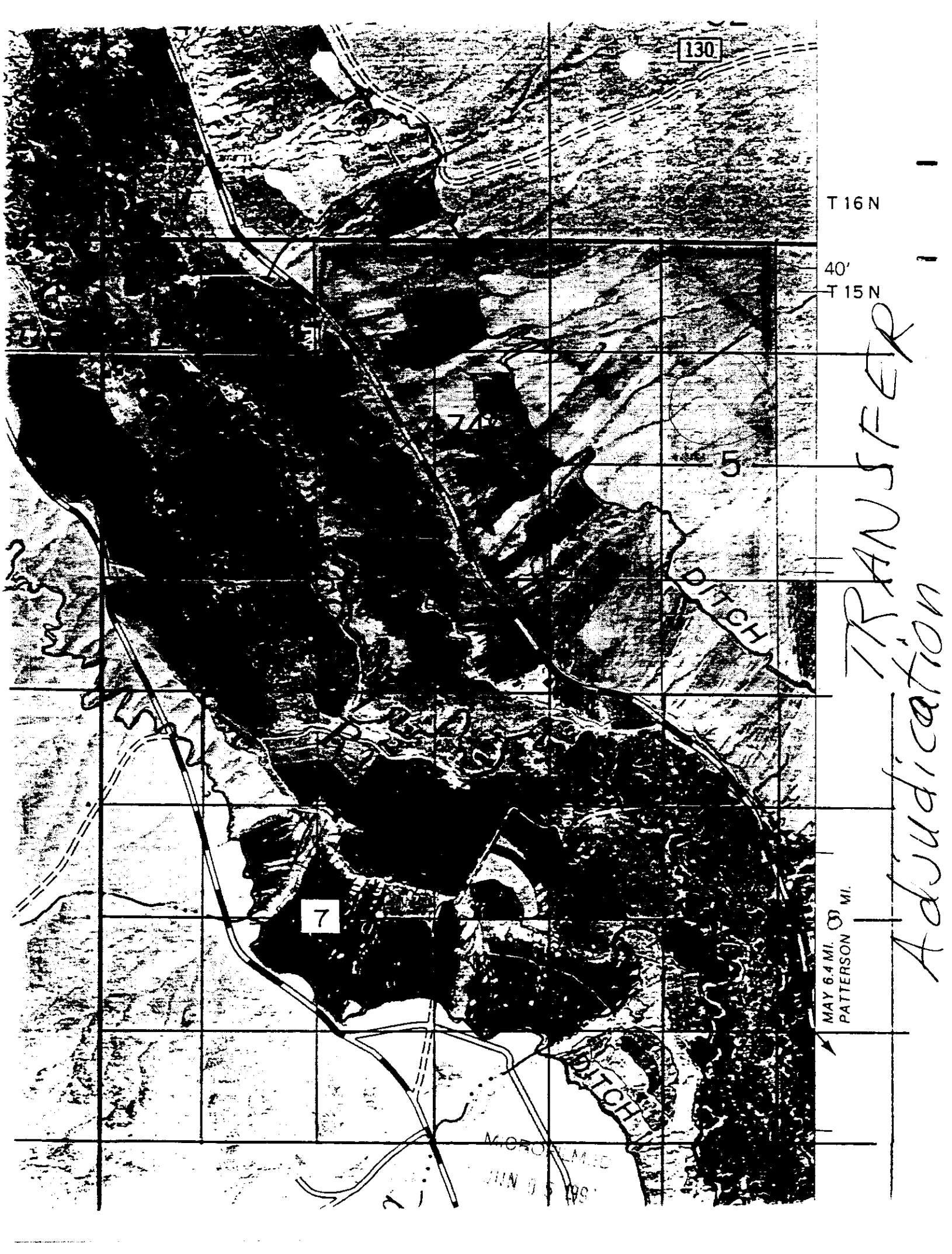
NOTE: THE MAP ATTACHED TO THE ADJUDI'
PARTIALLY SUPPORT (EXCEPT N'
USE ON THE TRANSFER

N CLAIM SEEMS TO
SEC 5) THE PLACE OF



KEITH C. WILSON
SENIOR RESOURCE AGENT

MICROFILMED
JUN 05 1998



130

T 16 N

40'
T 15 N

74

5

DITCH

7

DITCH

6.4 MI.
PATTERSON

MAY 19 1951

TRANSFER
Adjudication



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 24, 1992

Kenneth and Judith Madsen
HC 62, Box 2340
May, ID 83253

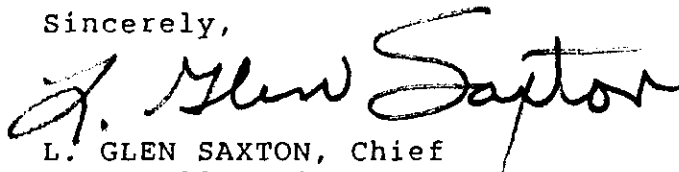
RE: APPLICATION FOR TRANSFER NO. 2923/73-0084

Dear Mr. and Mrs. Madsen:

Enclosed is an order which sets aside a pending application for transfer which you filed with the department in 1983 in connection with a proposed Desert Land Entry. In 1984, the Bureau of Land Management cancelled your Desert Land Entry application. The enclosed order is essentially a book-keeping measure and just removes the application for transfer from further consideration before the department. The order does not void or otherwise adversely impact water right no. 73-0084.

If you have questions, please feel free to contact the department.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - E. Region c/o Harold Jones

RECEIVED
JUN 26 1992
MICROFILMED
JUN 05 1998

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A73-00084
Date Received: 5/01/1990
Receipt No: 110006816
Received By: Walt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH MADSEN 208-876-4218
Address: HC 62, BOX 2340
MAY, ID 83253

OR
Name: JUDITH MADSEN 208-876-4218
Address: HC 62, BOX 2340
MAY, ID 83253

2. Date of Priority: JUL 27, 1900

3. Source: O'NEIL CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	22E	6	NW	SW			LEMHI

5. Description of diverting works:
HARDSCRABBLE DITCH, PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 500.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A73-00084

Page 1

Date: 05/01/90

MICROFILMED
JUN 05 1998

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15N	21E	5	NW		NW	4	IRR	15.0
			SW		NW		IRR	32.0
			NW		SW		IRR	27.0
			SW		SW		IRR	25.0
			Section Acres					99.0
		6	NE		NE	1	IRR	15.0
			NW		NE	2	IRR	11.0
			SW		NE		IRR	8.0
			SE		NE		IRR	33.0
			NE		SE		IRR	23.0
			SE		SE		IRR	11.0
			Section Acres					101.0
			Total Acres					200.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
PAHSIMEROI RIVER WATER

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ROSCOE HAMILTON, ET AL.
Decree Plaintiff

W.G. SWENDSEN, ET AL.
Decree Defendant

COPY

MICROFILMED
JUN 05 1998

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Judith Madson Date: 5/1/90
Date:

State of Idaho)
County of Gemhi) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of May 19 90 Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

COPY

CONFIDENTIAL

65

320104

5

2010

73

T 15 N
R 21 E

65
78



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

February 28, 1984

Kenneth Madsen
HC 62, Box 2340
May, ID 83253

Dear Mr. Madsen:

This letter is in reponse to your request of how to change the point of diversion on the transfer. To change the transfer you will need to file an amendment; however, I believe that it would be in your best interest to wait to file the amended transfer until I have conducted a pre-transfer field exam. I am planning to conduct the exam during the 1984 irrigation season.

In conducting the exam I will need to be accompanied by someone familiar with the system, either you or your representative. If you have a preference as to when I conduct the exam, please contact me and I will try to accomodate you.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:bp

MICROFILMED

9 8 8 1988

October 18, 1983

RE: Application for Transfer No. 1763/73-0084

Kenneth & Judith Madsen
RC 62, Box 2340
May, Idaho 83253

Dear Applicants:

Please be advised that your application for transfer has been processed. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, this office will take no further action until such time as evidence is submitted in writing to the Department of Water Resources that your desert entry has been classified as suitable for entry.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Bureau of Land Management
3330 Americana Terrace
Boise, ID 83706

*Desert Entry No. I-19354

bc: IDWR - State Office

October 13, 1983

RE: Application for Transfer No. 1763/73-0084

Kenneth & Judith Madsen
HC 62, Box 2340
May, ID 83253

Dear Applicants:

Please be advised that your application for transfer has been processed. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, this office will take no further action until such time as evidence that your desert entry has been classified as suitable for entry is submitted to the Department of Water Resources in writing.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Bureau of Land Management
3380 Americana Terrace
Boise, ID 83706

*Desert Entry No. I-19854

bc: IDWR - State Office

MICROFILMED

JUN 05 1988

MICROFILMED
JUN 26 1992

October 11, 1983

RE: Application for Transfer No. T. 1768/73-0084

Kenneth & Judith Madsen
HC 62, Box 2340
May, ID 83253

Dear Applicants:

Your application for transfer indicates that the proposed place of use is owned by the United States Bureau of Land Management. You further indicate that an application for desert land entry has been filed with the Bureau of Land Management.

Please be advised that this Department cannot proceed with your application for transfer until we have evidence that you have filed a desert land entry application. You must submit your entry number to this office within 15 days of the date of this letter or your application will be considered filed for speculation and delay and, therefore, will be denied.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

*Application was filed as
part of a DLE for the
NE 1/4 Section 15. Need to
get DLE No. and
re-file application to the
BLM. Center, westward area
improve more and then is
covered by license, not
supplied.*

September 2, 1983

RE: Application for Transfer No. T1768/73-0084
MADSEN, KENNETH & JUDITH

U.S. Dept. of Interior
Bureau of Land Mgmt.
Salmon Office
Box 430
Salmon, ID 83467

Dear Sirs:

Please be advised that the above referenced application for transfer has been filed with this office in connection with a ~~desert~~ land entry. The legal description of the application is as follows:

POINT OF DIVERSION: NW~~1~~SW~~1~~ Sec. 6, T. 14N, R. 22E, B.M. Lemhi

PLACE OF USE: NW~~1~~ Sec. 5, Lot 1 NE~~1~~NE~~1~~, Lot 2 NW~~1~~NE~~1~~, S~~1~~NE~~1~~,
E~~1~~SE~~1~~ Sec. 6, T. 15N, R. 21E, B.M. for 200 acres

If you have any further questions regarding this matter, please contact us.

Sincerely,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:bp

RECEIVED
JUN 26 1994

APPLICATION FOR TRANSFER OF WATER RIGHT
NO. 73-0084

RECEIVED

AUG 8 1983

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Eastern District Office

I, Royden Eaton, watermaster of _____,
of Water District No. 73, County of LEMHI, State of Idaho,
whose address is P.O. Box 151 MAY Idaho 83253
have read the attached copy of the application for transfer of water right for _____
KENNETH & JUDITH MADSEN, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: full approval.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at MAY, Idaho, this 3RD day of August 19 83.

Royden J. Eaton
(signature)

MICROFILMED

JUN 6 8 1983

Please use reverse side if needed.

July 22, 1983

RE: Application for Transfer No. 73-0084 MADSEN

Royden Eaton, Watermaster
Water District No. 73
May,
Idaho 83253

Dear Mr. Eaton:

Please find enclosed a copy of the above referenced application and watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before August 8, 1983.

Thank you for your cooperation in this matter.

Sincerely,

BARBARA L. POWERS
Secretary

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

February 28, 1984

Kenneth Madsen
HC 62, Box 2340
May, ID 83253

Dear Mr. Madsen:

This letter is in reponse to your request of how to change the point of diversion on the transfer. To change the transfer you will need to file an amendment; however, I believe that it would be in your best interest to wait to file the amended transfer until I have conducted a pre-transfer field exam. I am planning to conduct the exam during the 1984 irrigation season.

In conducting the exam I will need to be accompanied by someone familiar with the system, either you or your representative. If you have a preference as to when I conduct the exam, please contact me and I will try to accomodate you.

Sincerely,

A handwritten signature in cursive script that reads "Keith C. Wilson".

KEITH C. WILSON
Sr. Resource Agent

KCW:bp

RECEIVED

FEB 28 1984

October 18, 1983

RE: Application for Transfer No. 1768/73-0084

Kenneth & Judith Madsen
HC 62, Box 2340
May, Idaho 83253

Dear Applicants:

Please be advised that your application for transfer has been processed. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, this office will take no further action until such time as evidence is submitted in writing to the Department of Water Resources that your desert entry has been classified as suitable for entry.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Bureau of Land Management
3330 Americana Terrace
Boise, ID 83706

*Desert Entry No. I-19854

bc: IDWR - State Office

October 13, 1983

RE: Application for Transfer No. 1763/73-0084

Kenneth & Judith Madsen
HC 62, Box 2340
May, ID 83253

Dear Applicants:

Please be advised that your application for transfer has been processed. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, this office will take no further action until such time as evidence that your desert entry has been classified as suitable for entry is submitted to the Department of Water Resources in writing.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Bureau of Land Management
3380 Americana Terrace
Boise, ID 83706

*Desert Entry No. I-19854

bc: IDWR - State Office

MICROFILMED

JUN 03 1988

MICROFILMED
JUN 26 1992

October 11, 1983

RE: Application for Transfer No. T. 1768/73-0084

Kenneth & Judith Madsen
HC 62, Box 2340
May, ID 83253

Dear Applicants:

Your application for transfer indicates that the proposed place of use is owned by the United States Bureau of Land Management. You further indicate that an application for desert land entry has been filed with the Bureau of Land Management.

Please be advised that this Department cannot proceed with your application for transfer until we have evidence that you have filed a desert land entry application. You must submit your entry number to this office within 15 days of the date of this letter or your application will be considered filed for speculation and delay and, therefore, will be denied.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

*Application on file as
part of a DLE for the
NE4N14 Section 5. Need to
get DLE No. and
route application to the
BLM. Center, westward area
in gate area and then is
covered by license, and
approval.*

September 2, 1983

RE: Application for Transfer No. T1768/73-0084
MADSEN, KENNETH & JUDITH

U.S. Dept. of Interior
Bureau of Land Mgmt.
Salmon Office
Box 430
Salmon, ID 83467

Dear Sirs:

Please be advised that the above referenced application for transfer has been filed with this office in connection with a ~~desert~~ land entry. The legal description of the application is as follows:

POINT OF DIVERSION: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6, T. 14N, R. 22E, B.M. Lemhi

PLACE OF USE: NW $\frac{1}{4}$ Sec. 5, Lot 1 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2 NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$,
E $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T. 15N, R. 21E, B.M. for 200 acres

If you have any further questions regarding this matter, please contact us.

Sincerely,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:bp

RECEIVED
JUN 26 1997

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 73-0084

RECOMMENDATION OF WATERMASTER

AUG 8 1983

Department of Water Resources
Eastern District Office

I, Royden Eaton, watermaster of _____,
of Water District No. 73, County of LEMHI, State of Idaho,
whose address is P.O. Box 151 MAY Idaho 83253
have read the attached copy of the application for transfer of water right for _____
KENNETH + JUDITH MADSEN, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: full approval.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at MAY, Idaho, this 3RD day of August 19 83.

Royden J. Eaton
(signature)

MICROFILMED

JUN 6 5 1988

Please use reverse side if needed.

July 22, 1983

RE: Application for Transfer No. 73-0084 MADSEN

Royden Eaton, Watermaster
Water District No. 73
May,
Idaho 83253

Dear Mr. Eaton:

Please find enclosed a copy of the above referenced application and watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before August 8, 1983.

Thank you for your cooperation in this matter.

Sincerely,

BARBARA L. POWERS
Secretary

Enclosures

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT

T. 1768/73-0084

Notice is hereby given that Kenneth & Judith Madsen, May, Idaho, have applied to the Department of Water Resources for a change in the place of use of the waters of O'Neil or Spring Creek tributary to Pahsimeroi River. The right sought to be changed is evidenced by T. 1768 and Decree No. 73-0084 to Minor A. Brown in case of Roscoe Hamilton et al vs. W.G. Swenson dated in 2/17/26 in Sixth Judicial District Court, Custer County and is recorded as follows:

AMOUNT: 4.00 cfs

PRIORITY: 7/27/1900

POINT OF DIVERSION:

NW 1/4 Sec. 6, T. 14N, R. 22E, B.M. Lemhi County;

The water is used to irrigate 200 acres within Lot 4 NW 1/4 NW 1/4, SW 1/4 NW 1/4, W 1/2 SW 1/4, Sec. 5, Lot 1 NE 1/4 NE 1/4, Lot 2 NW 1/4 NE 1/4, S 1/2 NE 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4 Sec. 6, T. 15N, R. 21E, B.M.

TO BE CHANGED AS
FOLLOWS

The water will be used to irrigate 200 acres within the NW 1/4, Sec. 5, Lot 1 NE 1/4 NE 1/4, Lot 2 NW 1/4 NE 1/4, S 1/2 NE 1/4, E 1/2 SE 1/4 Sec. 6, T. 15N, R. 21E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before AUGUST 8, 1983.

A. KENNETH DUNN
Director

Published in The Recorder Herald on 7/21 & 7/28/1983.

7-21-2rc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

JUL 24 1983

Department of Water Resources

Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Proposed Change to Water Rt. T.1768/730084

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated July 21, 1983 and ending with the issue dated July 28, 1983

Subscribed and sworn to before me, this twenty eighth

day of July, 1983

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

Publication Fee \$ 28.35

MICROFILMED

JUN 05 1983

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

T. 1768/73-0084

Notice is hereby given that Kenneth & Judith Madsen, May, Idaho, have applied to the Department of Water Resources for a change in the place of use of the waters of O'Neil or Spring Creek tributary to Pahsimeroi River. The right sought to be changed is evidenced by T. 1768 and Decree No. 73-0084 to Minor A. Brown in case of Roscoe Hamilton et al vs. W.G. Swendsen dated in 2/17/26 in Sixth Judicial District Court, Custer County and is recorded as follows:

AMOUNT: 4.00 cfs

PRIORITY: 7/27/1900

POINT OF DIVERSION: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6, T. 14N, R. 22E, B.M.
Lemhi County;

The water is used to irrigate 200 acres within Lot 4 NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, Lot 1 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2 NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T. 15N, R. 21E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 200 acres within the NW $\frac{1}{4}$, Sec. 5, Lot 1 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2 NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 6, T. 15N, R. 21E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before August 8, 1983.

A. KENNETH DUNN

Director

Published in the Recorder Herald on 7/21 & 7/28/1983.

MICROFILMED

JUN 05 1988

August 30, 1973

Re: Transfer No. 73-0084

William & Gertrude A. Beatty
Ellis,
Idaho 83235

Dear Mr. & Mrs. Beatty:

Enclosed is a copy of your approved Transfer of Water Right No. 73-0084. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device as part of the diverting works has been placed on your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEKNOR
Assistant Director

BDF:cd

Enclosures

cc: Ed Gilbert, Watermaster
Water District No. 73

MICROFILMED

MICROFILMED

1974 10 19

August 21, 1973

Re: Application for Transfer of Water Right No. 73-0084

Mr. William A. Beatty
Ellis.
Idaho 83235

Dear Mr. Beatty:

Following our discussion at your ranch near Ellis, I forwarded the above referenced application for transfer to our Boise Office for final action. However, it was returned requesting that it be retyped and resigned because of the number of changes that had been made. It is also the Departments opinion that the original decreed land list included only 200 acres (one miners inch per acre); therefore, the retyped copy only indicates 200 acres in Item 8 and also Item 11a. The 40 acres that you had listed in the SE 1/4, Sec. 5, T. 15N, R. 21E, B.M. has been omitted as we previously discussed.

Please return the retyped copy to this office after you and your wife have signed it before a notary and we will take final action shortly. Your cooperation in this matter is greatly appreciated.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

RECEIVED
AUG 22 1973
BOISE
ID

RECEIVED - AEL

AUG 22 1973

M E M O R A N D U M

TO: File

FROM: Norm Young

RE: Transfer of Water Right No. 73-0084

DATE: August 10, 1973

I made a field review of this proposed transfer on August 8, 1973. Mr. William A. Beatty accompanied me on this inspection and explained his proposed development. Mr. Beatty has already installed a mainline with wheel move laterals to irrigate the new land above the canal that he has shown on the aerial photos included with the application. At the request of the watermaster, he has put on a Badger Flow Meter on the pump from the Hard Scrabble Ditch diversion. I explained the changes typed on the front of his application to him and he agreed that they were correct.

At the present time the water right in question is being used to irrigate about 160 acres, although only about 120 acres of this land is within the subdivision mentioned in the decree. Initially the decree was probably for 200 acres since the decree states that one-inch per acre is necessary and is adequate for the land. Mr. Beatty also felt that the right probably should have been for only 200 acres, and indicated that if the transfer could be only approved for the 200 acres, that he would omit the 40-acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, from the proposed transfer. The Hard Scrabble Ditch heads in a section of the valley in which there is no excess water during the driest parts of the year, but the runoff water from the land that is now being irrigated would enter the Pahsimeroi River in a reach in which there is excess water at all times. Therefore, it would appear that a more efficient use of the water by Mr. Beatty would not harm anyone now using the waste water.

RECORDED

JUN 13 1973

The 1972 delivery records for Water District No. 73 indicates that 1,280 a.f. were delivered under this right from the period of May 1 to October 7. An acre feet recommendation based upon consumptive use to prevent expansion of the right would not appear to be workable.

I recommend that this transfer be approved for a total of 200 acres (delete the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, from the proposal.)

AKY
Norm

MICROFILMED

JUN 3 5 1988

William Beatty

710 BROADMOOR COURT

CORONA, CALIF. 91720

(714) 737-8851

JUN 15 1998

MICROFILMED

200-1111
216-2444
EHL 1000 1998

July 6, 1973

Re: Transfer of Water Right Application No. 73-0084 - Beatty

The Challis Messenger
P.O. Box 97
Challis, ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enc: Legal Notice (1)

Bill submitted ~~7-23-73~~ by ~~mb~~

MICRO LETTER

OK 7-24-73 mb

1-1-1-1-1-1

July 6, 1973

Re: Application for Transfer of Water Right No. 73-0084 - Beatty

The Recorder-Herald
P.O. Box 310
Salmon, ID 83467

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NOV 14 1973
C. YOUNG
District Engineer

NOV 14 1973

Enc: Legal Notice (1)

Bill submitted 7-23-73 by ml

RECORDED

JUL 11 1973

ml

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 73-0084**

Notice is hereby given that William & Gertrude A. Beatty of Ellis, Idaho, have applied to the Department of Water Administration for a change in the place of use of the waters of Spring Creek (O'Neill Creek) tributary to Pahsimeroi River. The right sought to be changed is evidenced by decree to Minor A. Brown in the Case of Roscoe Hamilton, et al. -vs- W. G. Swendsen, dated 2/17/26 in the Sixth District Court of Custer County and is recorded as follows:

Amount: 4.0 cfs Priority:
July 27, 1900

Present Point of Diversion:
(Hardscrabble Ditch) NW $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 6, T. 14N, R. 22E, B.M., Custer County

The water is used for irrigation purposes of 240 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Lot 2, NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 6; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 3, T. 15N, R. 21E, B. M.

TO BE CHANGED AS FOLLOWS:

The water will be used for irrigation of 240 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$, Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6, T. 15N, R. 21E, B. M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Administration, 240 South Holmes Ave., Idaho Falls, Idaho 83401, on or before July 30, 1973.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho, on July 12 and July 19, 1973.

7-12-2tc

MICROFILMED
JUL 19 1973

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 73-0084

Notice is hereby given that William & Gertrude A. Beatty of Ellis, Idaho, have applied to the Department of Water Administration for a change in the place of use of the waters of Spring Creek (O'Neil Creek) tributary to Palisadero River. The right sought to be changed is evidenced by decree to Minor A. Brown in the Case of Roscoe Hamilton, et al, -vs- W. G. Swendsen, dated 2/17/26 in the Sixth District Court of Custer County and is recorded as follows:

Amount: 4.0 cfs

Priority: July 27, 1900

Present Point of Diversion: (Hardscrabble Ditch) NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 6, T. 14N, R. 22E, B.M.,
Custer County

The water is used for irrigation purposes of 240 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Lot 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, T. 15N, R. 21E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used for irrigation of 240 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6, T. 15N, R. 21E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Administration, 240 South Holmes Ave., Idaho Falls, Idaho 83401, on or before July 30, 1973.

R. KEITH HIGGINSON

Director

Published in the Challis Messenger, Challis, Idaho, on July 12, and July 19, 1973.

Published in the Recorder-Herald, Salmon, Idaho, on July 12 and July 19, 1973.

73-0084-181
AUG 1 1973

NCY

7/6/73

NOTES ON TRANSFER OF 73-0084 - NCY

- 1) COPY of WARRANTY DEED
 - a) PRESENT PLACE of USE IS LISTED ON DEED.
 - b) Is the copy adequate; i.e., STAPLED ON AND DESCRIP.; NO evidence of acknowledgement; verbally sold on contract (?)
- 2) Appears to be an expansion see Glen's notes
Letter requesting info on past use (?)
- 3) New land list checks / map -
- 4) The decree says 1/acre necessary & adequate
Should original acreage be only 200?
- 5) IRRIG. SEASON NORMALLY 4/1 to 11/1 - need justification (?)
- (6) Location of HANDSCRABBLE DITCH P.D. from May Quad is NW SW Sec 6 T14N R22E Not as listed on xfer application.



July 5, 1973

Mr. & Mrs. William Beatty
Ellis,
Idaho 83235

Dear Mr. & Mrs. Beatty:

Attached herewith is departmental receipt No. 10262 in the amount of \$30.00 for your application for transfer of water right which was received in this office under the above date.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Attachment

RECEIVED
JUL 10 1973

RECEIVED

JUL 10 1973

Idaho Land & Appraisal Service

BOISE, IDAHO 83701

Real Estate Appraisers & Counselors
Land Management

MERVIN J. CHRISTENSEN
JOSEPH J. THACKABERRY
ROBERT W. SMITH

633 N. 4TH
P. O. BOX 1603
208-344-2547

July 2, 1973

Mr. R. Keith Higginson
Director
Department of Water Administration
State House, Annex 2
Boise, ID 83707

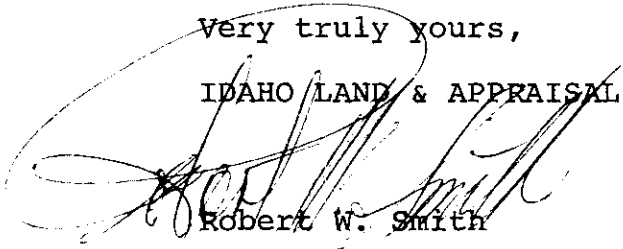
Dear Mr. Higginson:

Enclosed herewith please find the Application for
Transfer of Water Right for Mr. & Mrs. William Beatty.

If you require any further information, please
contact Idaho Land & Appraisal Service.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE



Robert W. Smith

db

encl

cc: Mr. & Mrs. William Beatty

RECEIVED
JUL 10 1973
IDAHO LAND & APPRAISAL SERVICE

VICAR LABEL