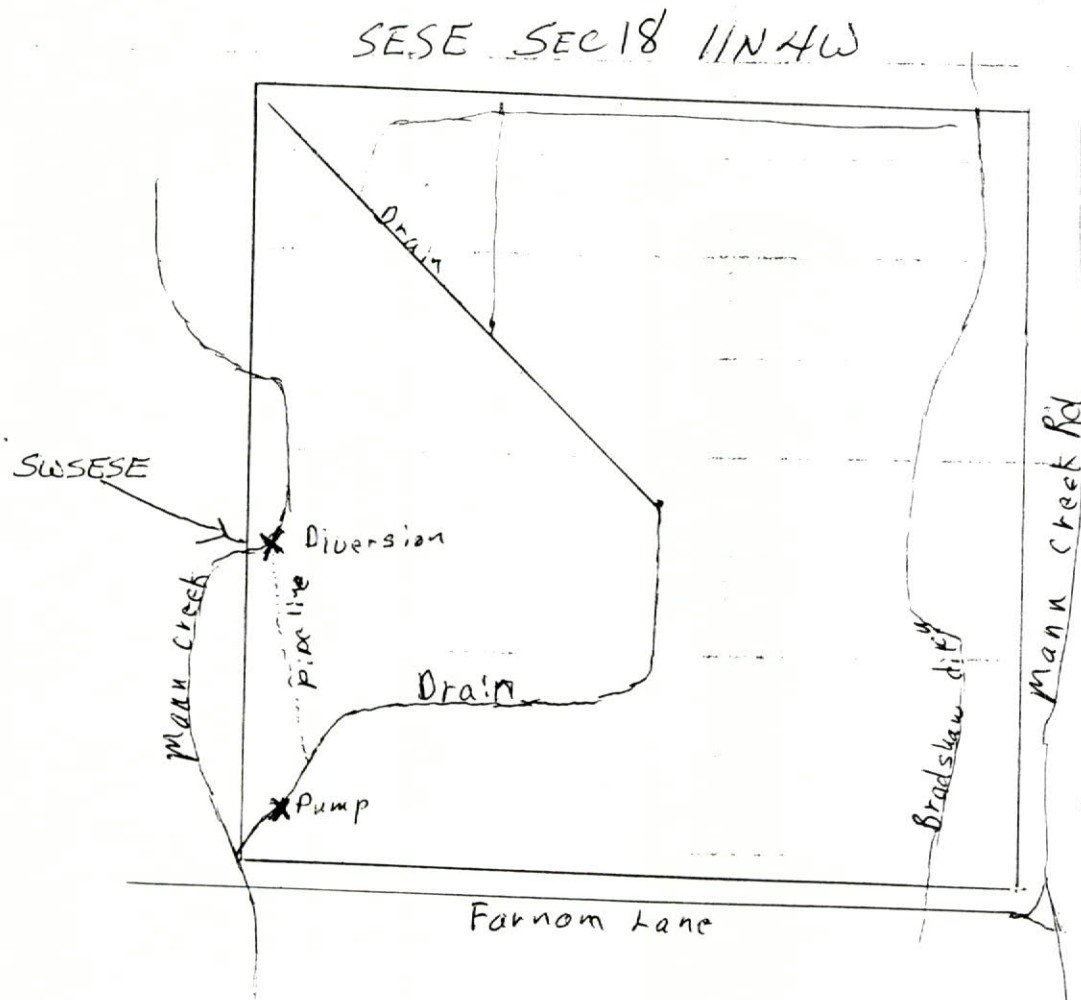


5 of 6

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.



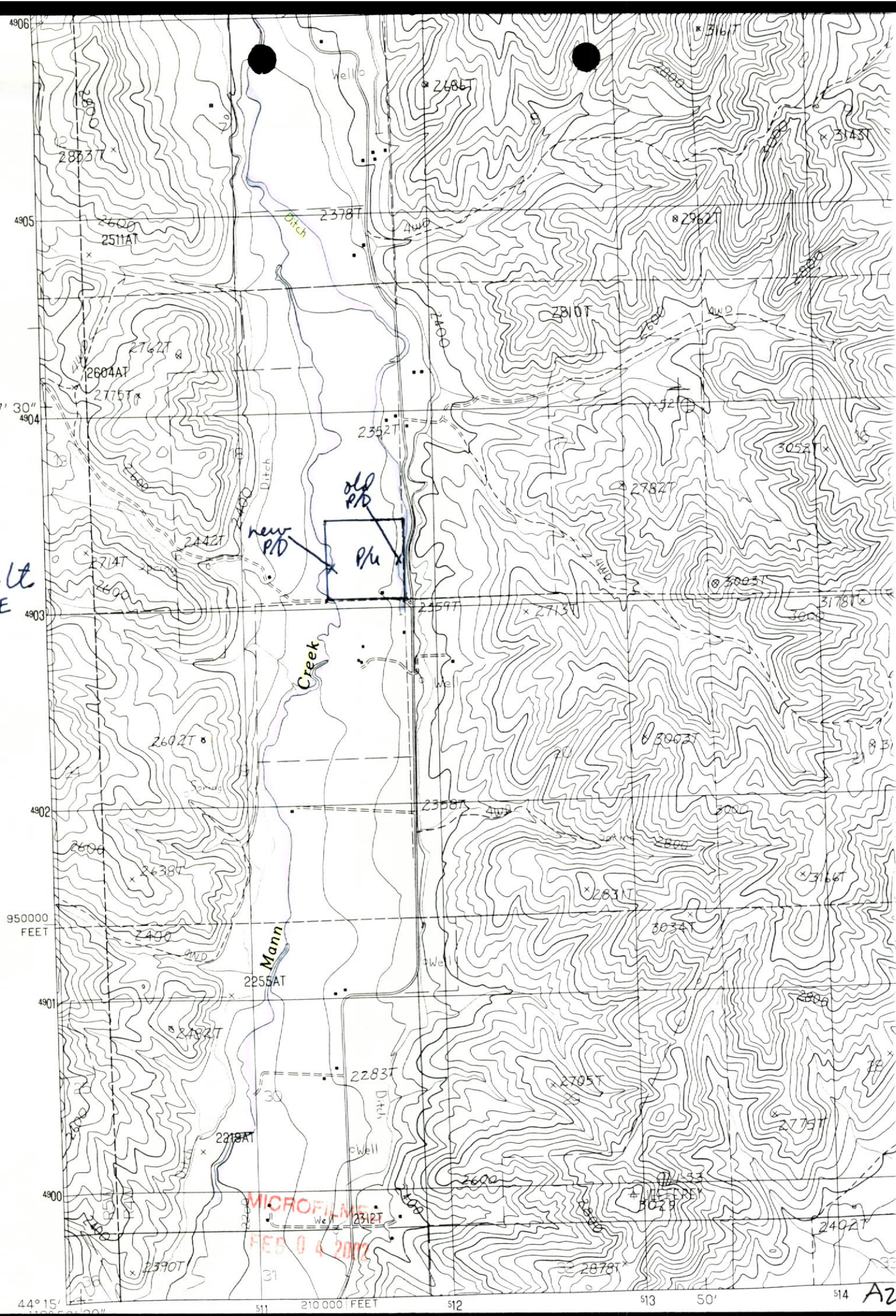
SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED
FEB 04 2002



MICROFILMED
FEB 14 2002

TIW
R4W^{17'} 30"
4904
Sec 18
SESE
no Gov't
in SESE 490



Nº 1430

RECEIVED

JUN 04 2001

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Washington } ss.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once a
week for two consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
lished and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of
said advertisement.

Such notice was published in the issue beginning with
May 16, 2001, and ending
with the issue of May 23, 2001

Fees \$ 82.22
Sarah Boles

Subscribed and sworn to before me this 23
day of May, 2001.

Judith A. Parsons
Notary Public, residing at Weiser, Idaho

My commission expires 2/1/02

MICROFILMED

JUN 04 2002

No. 1430

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFER NO. 69085**

ED BARTOSCHEK of 1975 W. Indianhead Rd.,
Weiser, ID 83672 has applied to the Department of
Water Resources to change the Point of Diver-
sion and Change the Place of Use pursuant to I.C.
§ 42-222 for irrigation right 67-563 recorded as
follows in T11N R4W Washington County:

Decree 67-563, priority 4/1/1883, .53 cfs, Mann
Creek tributary to Weiser River, diverted in NESESE
and used in SESE S4, 33 total acres.

PROPOSED CHANGE

Change point of diversion to the SWSESE and
reduce irrigation to 31.5 acres in the SESE S4.

Any protest against approval of the proposed
change must be filed with the Department of
Water Resources, Western Region, 2735 Airport
Way, Boise, ID 83705-5082, together with a pro-
test fee of \$25 for each application on or before
June 4, 2001. The protestant must also send a
copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Weiser Signal on May 16 and 23,
2001.

28-2S

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69085

This is to certify that: ED BARTOSCHEK
1975 W INDIAN HEAD RD
WEISER ID 83672
(208)549-1053

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
67-563	AJC/Decreed	04/01/1883	0.53 cfs		33.0	33.0	MANNS CREEK

Purpose of Transfer (Changes Proposed)

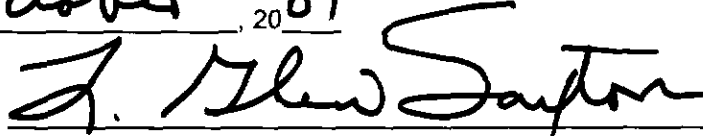
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
67-563	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
67-563	67-563	0.53 cfs	141.8 af	31.5	31.5		N/A	N/A	N/A	N/A
TOTALS		0.53 cfs	141.8 af	31.5	31.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED
FEB 04 2002

WATER RIGHT NO. 67-563
As Modified by Transfer No. 69085

In accordance with the approval of Transfer No. 69085, Water Right No. 67-563 is now described as follows.

Right Holder: ED BARTOSCHEK
1975 W INDIAN HEAD RD
WEISER ID 83672

Priority Date: 04/01/1883

Source: MANN CREEK

Tributary: WEISER RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.53 CFS	141.8 AF
			0.53 CFS	141.8 AF

LOCATION OF POINT(S) OF DIVERSION:

MANN CREEK SWSESE Sec. 18 Twp 11N Rge 04W WASHINGTON
County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 04W 18																	31.5

Total Acres: 31.5

CONDITIONS OF APPROVAL

1. Right 67-563 is identified as a secondary right authorizing the diversion of 0.76 cfs during flood water periods and 0.53 cfs during low water periods.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 67, Weiser River.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROFILMED
FEB 04 2002

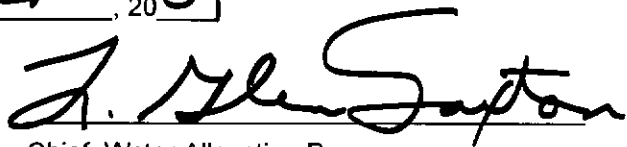
WATER RIGHT NO. 67-563
As Modified by Transfer No. 69085

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED

FEB 04 2002

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 69085
RECEIVED

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

AUG 27 2001

APR 02 2001

PART 1

WATER RESOURCES
WESTERN REGION

Department of Water Resources

Name of applicant

X Ed Bartoschek

Phone

208-549-1053

Post Office address

X 1975 W Indianhead Rd Weiser, ID 83672

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
- EXISTING DITCH AND DIVERSION
-
- ABANDONED BY WATER USERS P/M CLARIFIED PER CFSA
-
- PHOTO

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

1. Right Number 67-00563 Priority 04/01/1883 Amount (cfs/ac-ft) 0.53 cfs Nature of Use IRRIGATION Period of Use APRIL 1501 to OCT 31
_____ to _____
_____ to _____
_____ to _____
2. Total amount of water being transferred 0.53 cubic feet per second and/or 141.8 acre-feet per annum.
3. Source of water MANNA CREEK tributary to WEISER RIVER

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	SE	18	11N	4W	WASHINGTON	NONE

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11N	4W	18																✓	31.5 A

MICROFILMED
FEB 04 2002

Total acres

31.569085

PART 1

6. General Information:

a. Description of diversion system WATERMAN SLIDE T¹⁰IN HEADGATE PIPELINE
WITH GRAVEL BAR.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:

NO CHANGE IN PLACE OF USE EXCEPT FOR ACRES CLARIFIED.

d. Remarks:

THIS APPLICATION IS ALSO FOR BOR STORAGE AND FLOOD
WATER

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 _____.

MICROFILMED

FEB 04 2002

3 of 6

02/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 67-563

Owner Type Name and Address
 Current Owner ED BARTOSCHEK
 1975 W INDIAN HEAD RD
 WEISER, ID 83672
 (208)549-1053

Original Owner M L SIPE

Priority Date: 04/01/1883
 Basis: Decreed
 Status: Active

Source Tributary to
 MANNS CREEK WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.53 CFS		

Total Diversion 0.53 CFS

Location of Point(s) of Diversion:

MANNS CREEK NESESE Sec. 18 Township 11N Range 04W WASHINGTON County

IRRIGATION Use:
 Acre Limit: 33

Place(s) of use:

Place of Use Legal Description: IRRIGATION WASHINGTON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
11N	04W	18		SESE	33									

Total Acres: 33

Remarks:

1. General WATER CARRIED IN THE BRADSHAW-PAYNE-LYNCH DITCH.
 THIS IS A SECONDARY RIGHT.
 FLOOD WATER .76 CFS.
 LOW WATER .532 CFS.
 AC. IRR.=38.

Dates:

Licensed Date:
 Claim Received Date:
 Decreed Date: 06/03/1921
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:

Other Information:

MICROFILMED

FEB 04 2002

Water Right 67-563

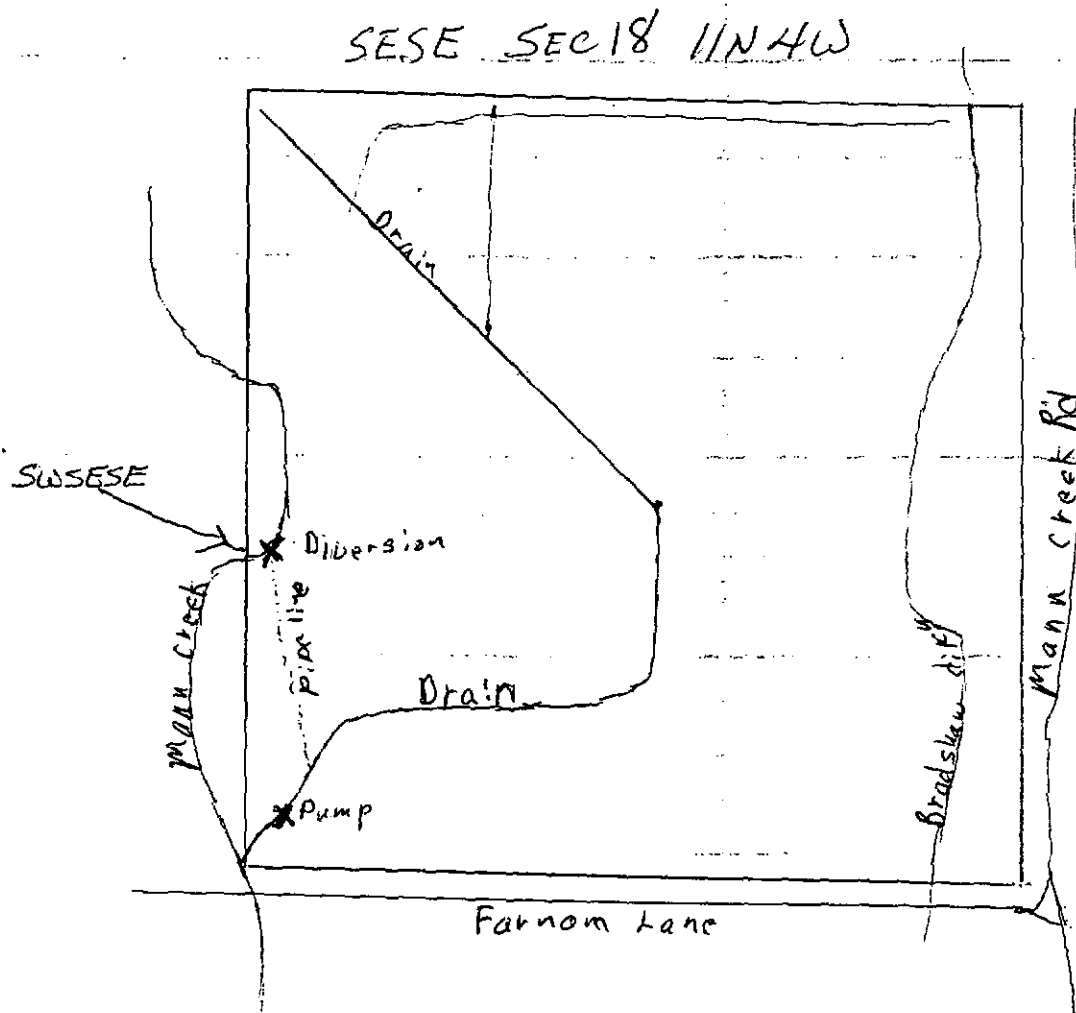
Receipt Number(s): C012210
State or Federal: S
Owner Name Connector:
Water District Number: 67
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

MICROFILMED

FEB 04 2002

5 of 6
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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.



MICROFILMED

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

FEB 04 2002

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>N/A</u>			_____ to _____
				_____ to _____

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

N/A

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

N/A

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.

x Ed Bartoschek

(Signature of Applicant)

Subscribed and sworn to before me this

x 30th

day of

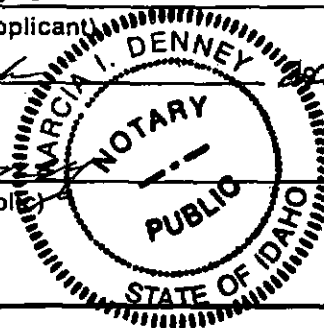
March

x Marcia I. Denney

(Notary Public)

My commission expires

x 10-25-05



FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachmentsReceived by KH Date 4/2/01

Protest filed by _____

Prelim. check by g Fee 250Received by KH Date 4/2/01W027515Published in WEISER SIGNAL

Copies of protest forwarded by _____

Pub. dates 5-17 & 24-01

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

MICROFILMED

FEB 04 2002

no Govt
in SESE



Ditch Cleaning checker

ED OR JOEVA BARTOSCHEK
1975 W INDIAN HEAD RD 549-1053
WEISER, ID 83672

24-666/1230
44

2441

PAY TO THE
ORDER OF

David Craig Excavation

Five hundred & fifty & no/100

DOLLARS



Pacific One Bank

Weiser 44 (800) 815-7066
34 E. Main • Weiser, ID 83672

PACIFIC ONE 55 PLUS

FOR

⑆ 123006664⑆ 0008061572⑆ 2441

Joeva Bartoschek
⑈0000055000⑈

Circle American

ED OR JOEVA BARTOSCHEK
1975 W INDIAN HEAD RD 549-1053
WEISER, ID 83672

24-666/1230
44

2329

PAY TO THE
ORDER OF

David Craig Excavation

Four hundred forty & no/100

DOLLARS



Pacific One Bank

Weiser 44 (800) 815-7066
34 E. Main • Weiser, ID 83672

PACIFIC ONE 55 PLUS

FOR

⑆ 123006664⑆ 0008061572⑆ 2329

Joeva Bartoschek
⑈0000044000⑈

Circle American

MICROFILMED

FEB 04 2002

ATTACHMENT B1

To the Department of Water Resources, State of Idaho;

We the undersigned attest to the fact that water from Mann Creek has been used for irrigation on the Ed Bartoschek property located on Mann Creek, during the last five years.

Gilbert R. Ball, Jr. 2/16/01

1117 MANN CREEK RD.

WEISER, ID 83672

208-549-0793

Frank Shirts

Mann Creek Road

549-3846

Bob Shirts

777 Mann Creek Rd

Weiser, Id

549-2702

Low Bruce

1374 Mann CK Rd

Weiser, Id 83672

549-2102

MICROFILMED

FEB 04 2002

Recorded

File 376 M

67-C

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

E V JEFFERSON, T W BARTON, GUY GALLOWAY, W JEFFERSON, EMMA LUND
MOORE, E R MOORE, SAM LUND, FRANK LUND, Guardian of the estate
of Anna C Lund, an incompetent person, F EUCHANEON, W L PAINE,
GEO E GILDEROY, L P LYNCH, FRANK LUND, W R BREIT, CHAS H BOHMER,
W J LEDINGTON, R E GILDEROY, S A ROBINSON, HERMAN BRADSHAW, MARY
LYNCH, F H LYNCH, M L SIFE, C V BREIT.

PLAINTIFFS.

vs.

THOMAS H HIGGENBOTHAM, MRS A J BATHENSON, W T BROWN, M C BROWN,
R H GROSS, CHAS H STAMPER, JAS H HIGGENBOTHAM, G G STEELE, H T
BARKER, R M SATIN, J D JONES, OTTO CROWELL, S W SPANGLER, OTTO
F STROBEL, W A STROBEL, J A TARTER, HESTER CONALLY, PHILIP CON-
NELLY, JENNIE M LUND, GEORGE C CONNELLY, ROSE A SALING, CHAS E
CONNELLY, OSCAR W MAKIN, THOMAS S MAKIN, SAMUEL E ACKLEY, BERTHA
M ACKLEY, FRANK STEINWEEDEN, ADDA BICE, VERA ADAMS, D W ADAMS,
E L SALING, RUSS JACKSON, MABEL JACKSON, J E LOLLEY, ELsie J
NEWMAN, WILLIAM MAKIN, NORA D HAYSE, W A CATE, W E CATE, LULU H
COATES, W H JOHNSON, W A HOOVER, WILLIAM SHUNTON MATTHEWS, EARL
ADAMS, GEORGE E COOLEY, E A HAGANS, A H LOLLEY, I H MOORE, J I
WILLIAMSON, C E NEWMAN, W T AND MAGGIE L WALKER, JOHN W WALKER,
DALLAS F SATIN, MARY A SATIN, ALEXANDER CARLSON, CHARLES
OLSON, A P COOPER, O A WHEAT, GROVER C JONES, MITCHEL GILKISON,
GEORGE W NEWMAN, SUSIE NEWMAN, L A AND MARIE JEWELL STITES,
THOMAS ATTEBERRY, J M BARTON, H N WEBB, W H BRUCE, HARRY C AND
HATTIE WISHART, P E ROGERS, MARTHA M ROGERS, JESSIE S MORGAN,
CHAS B SHIRLEY, Jr., H D AND ALICE EVINS, C L CHER, CARL C
BEECHER, MRS CORA GOLDSMITH, IRA GOLDSMITH, MARGARET A LYNCH,
ARTHUR BRESHEARS, R T DAVIS, DAN MODURY, FRANK GULBRAHNS, L B
POUND, ABIE STEINWEEDEN, EMMA P CALHOUN, FRANK HOPPER, C E GAR-
NER, C T COATES, W N CHITWOOD, HENRY BAGLEY, A FLORENCE GALLOWAY
Water Commissioner of District No 41, FRED A WILKIE, State
Engineer of Idaho, AUGUST BROCKMAN, Trustee, C H NIXON, Admin-
istrator of the Estate of R H Barton, IDA LOLLEY, J H BLINN.

DEFENDANTS.

FINDINGS OF FACT.

CONCLUSIONS OF LAW.

AND DECREE.

Trans. Noted

This cause coming on regularly to be heard in open court, before the under-
signed Ed L Bryan, a Judge of said Court, at Weiser, in the County of Washington, State
of Idaho, on the 17th day of July, 1919, and it appearing to this Court that the parties
hereinafter found to be entitled to a right to the use of water from Mann Creek have
herein, through their respective counsel, filed answers and cross-complaints to the
amended complaint of plaintiffs, and that all parties so appearing are represented in
court by their said respective attorneys of record, and that W T Brown, Chas H Stamper,
Jas H Higgenbotham, Rose A Saling, Frank Steinweeden, W H Johnson, Theo Atteberry, Chas
B Shirley, Jr., Ira Goldsmith, Margaret A Lynch, Abbie Steinweeden, C E Garner, C T
Coates, W N Chitwood, Henry Bagley and Ida Lolley, have heretofore been regularly and
duly served with summons herein and that the time provided by law and expressed in said
summons for the appearance and answer of the parties last named has expired, and that no
appearance has been made or answer filed by, or on behalf of said last named parties, or
either of them, upon motion of attorney for plaintiffs the default of said W T Brown,
Chas H Stamper, Jas H Higgenbotham, Rose A Saling, Frank Steinweeden, W H Johnson, Theo
Atteberry, Chas B Shirley, Jr., Ira Goldsmith, Margaret A Lynch, Abbie Steinweeden, C E
Garner, C T Coates, W N Chitwood, Henry Bagley and Ida Lolley, is entered and all par-
ties being ready for trial the court proceeds to a trial of the issues raised by the
pleadings herein; and the various parties appearing herein in open court do enter into a
stipulation of the facts and all the facts pertaining to and relevant to the rights of
the respective parties herein, and pertaining to all of the issues
raised by the pleadings herein, and the said stipulation of facts being finished all

FEB 04 2002

SHINKLE-WISHART-EVANS DITCH, date of priority April 1st, 1880;

Flood water right 135 miners inches, 2.70 cu ft.

Low water right 74.5 miners inches, 1.890 cu ft.

For use upon lands in severalty with no priority within the ditch, as

follows:

67 0559 Harry C Wishart, flood water right 60 miners inches, 1.20 cu ft and low water right of .7 that amount, for use upon 60 acres of land of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 6 in Twp 11, N of R 4 W of Boise Meridian.

67 0560 Henry D Evans, flood water right 40 miners inches, .80 cu ft and low water right of .7 that amount, for use upon 40 acres of land of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 6 in Twp 11 N, R 4 W of the Boise Meridian.

Also the following described lands, to-wit: the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 7 in Twp 11 N, R 4 W of the Boise Meridian.

67 0561 Carl C Beecher, flood water right 35 miners inches, .70 cu ft and low water right of .7 that amount, for use upon 35 acres of land of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec 7 in Twp 11 N, R 4 West Boise Meridian.

BRADSHAW-PAYNE-LYNCH DITCH, date of priority April 1st, 1883;

Flood water right 181 miners inches, 3.62 cu ft.

Low water right 126.7 miners inches, 2.534 cu ft.

For use upon lands in severalty with no priority within the ditch as

follows:

7 0562 Herman Bradshaw, flood water right 38 miners inches, .76 cu ft. and low water right of .7 that amount, for use upon 38 acres of land of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 18, Twp 11 N, R 4 W B M.

7 0563 H L Sipe, flood water right 38 miners inches, .76 cu ft. and low water right of .7 that amount, for use upon 38 acres of land of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 18 Twp 11 N, R 4 W B M.

7 0564 Mary C Lynch, flood water right 25 miners inches, .50 cu ft and low water right of .7 that amount, for use upon 25 acres of land of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 19, Twp 11 N, R 4 W B M.

7 0565 F H Lynch, flood water right 30 miners inches, .60 cu ft and low water right of .7 that amount, for use upon 30 acres of land of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 19, Twp 11 N, R 4 W B M.

0566 W L Payne, flood water right 50 miners inches, 1 cu ft. and low water right of .7 that amount, for use upon 50 acres of land of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 19, Twp 11 N, R 4 W B M.

LUND DITCH, date of priority April 1st, 1884;

Flood water right 59 miners inches, 1.18 cu ft.

Low water right 41.3 miners inches, .826 cu ft.

For use as follows:

67 0567 Sam Lund, flood water right 59 miners inches, 1.18 cu ft and low water right of .7 that amount, for use upon 59 acres of land of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 30, Twp 11, R 4 W B M.

MICROFILMED

FEB 04 2002

BUCHANON DITCH, date of priority April 1st, 1885;

Flood water right 60 miners inches, 1.20 cu ft.

1884 Amend 1-16-1922

urt costs and costs of service of process herein, but none other.

Done and dated this 3rd day of June, 1921.

Ed L. Bryan

A Judge of said Court.

D E C R E E .

WHEREFORE, The Court having considered the proof submitted herein, and the findings of the various parties of this action, and having made, found, and filed the going Findings of Fact and Conclusions of Law, it is ORDERED, ADJUDGED AND DECREED, this does ORDER, ADJUDGE and DECREE that the above and foregoing Findings of Fact and Conclusions of Law, made, found, and filed by this Court herein, be, and the same is incorporated herein in this decree by reference as fully, and have the same force and effect as if set forth herein at length, and that said Findings of Fact and Conclusions of Law be recorded as a part of this decree, and that to each and every person named in said Findings of Fact and Conclusions of Law, and therein found to be entitled to a right, and to their respective successors in interest, there is hereby decreed a right, and, a right to the use of water from said Mann Creek in all respects and particulars as set forth in the said Findings of Fact and Conclusions of Law, for use of the lands in severalty therein described.

That plaintiffs have judgment against the defendants and various intervenors costs and disbursements herein had and expended by plaintiffs as court costs and of service of process herein, but none other, prorated on an acreage basis.

Done the 3rd day of June, 1921.

Ed L. Bryan

A Judge of the above entitled Court.

and entered July 20, 1921.
Frank E. Smith,
Clerk District Court.

OF IDAHO }
County of Washington } SS

I, Frank E. Smith, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, hereby certify that the within foregoing is a full, true and correct copy of "Findings of Fact, Conclusions of Law, Decree" in the action wherein E. V. Jefferson, et al, were plaintiffs, and Thomas M. Enbotham, et al, were defendants, as the same appears of record in Judgment Book "E", pages 362 to 384 inclusive, records of said Court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, this 31st day of August, 1921.

JUL 24 1921

Frank E. Smith
Clerk District Court.

MICROFILMED

FEB 04 2002

SEP 8 1921

DEPARTMENT OF REVENUE

418-2

Manns Creek Decree - File No. 376 4182
Recorded in Book 4, Page 459-480 Inc.

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 30, 2001

ED BARTOSCHEK
1975 W INDIAN HEAD RD
WEISER ID 83672

RE: Transfer No.: 69085 - Water Right 67-563 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Rights Permits Section

MICROFILMED

JP:klt

FEB 04 2002

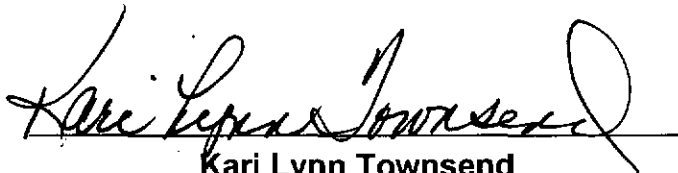
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on October 30, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69085 - WATER RIGHT 67-563

**ED BARTOSCHEK
1975 W INDIAN HEAD RD
WEISER ID 83672**


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 30, 2001

GERALD MYERS
WATERMASTER
HC 70 BOX 2010
MIDVALE ID 83645

RE: TRANSFER OF WATER RIGHT 67-563 - (Transfer 69085)

Dear Gerald:

Enclosed is a copy of the recently approved Transfer of Water Right for the
above referenced water rights (Transfer 69085) in the name of Ed Bartoschek.

If you have any questions, please call me at 208-327-7940.

Sincerely,

JP
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

FEB 04 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
FEB 04 2002

FINAL ORDER

The Director 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 Director 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
FEB 04 2002

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 69085

DATE REVIEWED 10-16-01 CS

SPLIT POD ☒ ADD POD POU ☒ PERIOD or NATURE of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

	W	C	R	No Activity
<u>67-563</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

PART OF RIGHTS(S)	to	(Unchanged)	(Changed)
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

Standard Season 3-1 to 11-15

Standard Volume 3.5/4.5

- (1) ☒ Priority (2) ☒ Use (3) Season/W61 (4) ☒ Rate (5) Volume
 (6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner per region check (10) ☒ Map
 (11) 67 Water District (12) No Pertinent Conditions (13) No Expansion
 WM/Rcvd 7-9-01

- (3) No Season on decree - Allow standard 3-1 to 11-15
 (5) Allow standard 4.5 x 31.5 = 141.8 aka
 (7) Change P/D
 (8) Reduce P/U to 31.5 Acres per app. & photo

Conditions/Remarks RD4, R43, R65, T07, T08, T09
R+ 67-563 identified as a secondary rt. authorizing diversion of 76 cfs during floodwater & 53 cfs during low water periods.

WRs for Update Comments 67-563 ☒

Database Updated to Reflect Final Action 10-18-2001 CS

RECEIVED

AUG 27 2001

IDWR WESTERN REGION TRANSFER ANALYSIS

Department of Water Resources

Applicant Bartoschek Transfer No. 69085
Reviewed by g Date 4/30/01
Data entered by g

1. Right number(s) 67-00563

2. Type of right ☒ Decree ☐ License ☐ Stat. Claim ☐ BU Claim

3. Purpose of transfer ☒ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Period ☐ Split Right
☐ Other: _____

4. Check Existing Right

☒ Source	☒ Priority	☒ Amount
☒ Purpose	☒ Period	☒ SRBA Claim
☒ Description of original point(s) of diversion		
☒ Description of original place of use		
☒ Overlapping rights for original P/D &/or P/U		

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☐ Analysis memo – always include unless justify why not needed
- b. ☒ All of right
- c. N/A Part of right – Note: Part B should normally be completed only if part of right is owned by applicant
- d. ☒ Description of point(s) of diversion
- e. N/A Description of place of use
- f. ☒ Map showing proposed P/D &/or P/U
- g. ☒ Correct notarized signature and fee – see Transfer Memo #23 about fees if necessary
- h. ☒ Proof of ownership of right &/or land from which water is transferred per memo office
- i. N Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.
- j. ☒ Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

69085

k. ☒ Overlapping rights for current & proposed scenarios

Current 67-4489 - Mann Creek Irrig. Dist

Proposed "

i. " SRBA Claim(s) "

m. ☒ Comment letters ☐ No ☒ Yes as follows:

☒ Water District # #67 ☒ IDFG ☐ Other per attached

PUBLICATION REVIEW

1. Comment Letters

Watermaster comments requested on _____, received on _____

Other comment letters received ☐ Yes ☐ No

2. Affidavit of publication received: ☒ Yes

3. Published correctly: ☒ Yes ☐ No

If No, re-publication required: ☐ Yes ☐ No

4. Protests received: ☐ Yes ☒ No ☐ If yes, acknowledgement sent

RECOMMENDATIONS

1. ☒ Approve ☐ See attached memo

2. ☐ Deny due to _____

3. Conditions of Approval standard xfer conditions

4. Recommended by Gary S Date 8/23/01

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page): ☐ Yes

2. File forwarded to S.O. by _____ Date _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: 69085

Applicant's Name: Ed Bartoschek

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional Comment: My only question is
why on page 1 of FDWR Claim Report
under places of use it say 33 acres + under
remarks General it say 38 acres?

Dated this 09 day of July, 2001.

Water District No: 67

Borco Borco
Watermaster's Signature

MICROFILMED

FEB 04 2002

Use reverse side of page if you need more space.

Glad I approve. This has already been
done!



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 5, 2001

BOSCO BOSLER
WATER DISTRICT 67
2711 SHOEPEG RD
MIDVALE ID 83645

Re: Application for Water Right Transfer No. 69085 in the Name of Ed Bartoschek

Dear Watermaster:

Enclosed is a copy of the above-referenced application for transfer. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:st

Encl: Copy of Application
Recommendation of Watermaster Form

MICROFILMED

FEB 04 2002

MEMORANDUM

DATE: 4/30/01

FROM: Lori Graves ⁶

TO: File

RE: Transfer 69085

Attachments

- A. CFSA Photo
- B. Beneficial Use Verification: ditch cleaning payments, affidavits

Brief

Applicant wishes to change the point of diversion from the Bradshaw-Payne-Lynch ditch, where he has historically diverted his Mann Creek water, to a diversion on Mann Creek. Both points are located on his property. Applicant also wishes to clarify acres from 33 to 31.5 to reflect actual acres irrigated.

Review

Acres, volume and P/D were unspecified on original decree. In the SRBA, applicant claimed 33 acres in the SESE and a P/D in the NESESE, which is actually a point of re-diversion from the Bradshaw ditch. The ditch has since been abandoned and now applicant wishes to divert directly from Mann Creek in the SWSESE. Irrigated acres account for applicant's property West of the Bradshaw ditch per CFSA photo.

Overlaps

Mann Creek Irrigation District water right 67-4489 overlaps applicant's acres, but not P/D. Applicant is a shareholder in the District. The District's SRBA claim A67-4489 states that the right is for flood water only. Applicant stated on his transfer that he plans to also take his "flood water" from the new P/D, as well as his private water. A comment letter will be sent to the District to give them a heads up.

Since volume for the 31.5 acres was not specified in the original decree, the dept. standard of 4.5 was used for the 31.5 acres.

Beneficial Use

Applicant supplied a CFSA photo indicating his irrigated acres, processed checks for ditch cleaning services for Bradshaw ditch dated 1998 and 1999, and an affidavit signed

MICROFILMED

FEB 04 2002

by four neighbors to establish that he has beneficially used Mann Creek water on the property within the last five years.

Recommendations

Approve the transfer as filed. Send notice to Mann Creek Irrigation District.
Limit this right to .02 cfs/4.5 afa per acre/irrigation season when combined with the District's "flood water" right 67-4489.

MICROFILMED

FEB 04 2002

Nº 1430

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 04 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
County of Washington) ss.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once a

week for two consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
lished and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of
said advertisement.

Such notice was published in the issue beginning with
May 16, 2001, and ending
with the issue of May 23, 2001

Fees \$ 82.22 Sarah Boles

Subscribed and sworn to before me this 23
day of May, 2001

Judith H. Parsons
Notary Public, residing at Weiser, Idaho

My commission expires 2/1/02

MICROFILMED

FEB 04 2002

No. 1430

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFER NO. 69085**

ED BARTOSCHEK of 1975 W. Indianhead Rd.,
Weiser, ID 83672 has applied to the Department of
Water Resources to change the Point of Diver-
sion and Change the Place of Use pursuant to I.C.
§ 42-222 for irrigation right 67-563 recorded as
follows in T11N R4W Washington County:

Decree 67-563, priority 4/1/1883, .53 cfs, Mann
Creek tributary to Weiser River, diverted in NESESE
and used in SESE S4, 33 total acres.

PROPOSED CHANGE

Change point of diversion to the SWSESE and
reduce irrigation to 31.5 acres in the SESE S4.

Any protest against approval of the proposed
change must be filed with the Department of
Water Resources, Western Region, 2735 Airport
Way, Boise, ID 83705-5082, together with a pro-
test fee of \$25 for each application on or before
June 4, 2001. The protestant must also send a
copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Weiser Signal on May 16 and 23,
2001. 28-2S

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFER NO. 69085**

ED BARTOSCHEK of 1975 W. Indianhead Rd, Weiser ID 83672 has applied to the Department of Water Resources to change the Point of Diversion and Change the Place of Use pursuant to I.C. § 42-222 for irrigation right 67-563 recorded as follows in T11N R4W Washington County:

Decree 67-563, priority 4/1/1883, .53 cfs, Mann Creek tributary to Weiser River, diverted in NESESE and used in SESE S4, 33 total acres.

PROPOSED CHANGE

Change point of diversion to the SWSESE and reduce irrigation to 31.5 acres in the SESE S4.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before June 4, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Weiser Signal on May 17 and 24, 2001.

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PAUL STRIKER

1475 US HIGHWAY 95

WEISER ID 83672

*Mam Creek Dist. letter to
watermaster was
sent to Paul
who is taking
May 21, 2001
Jim Brown's
place while he's
in the hospital*

Re: Application for Transfer of No. 69085 in the Name of Ed Bartoschek..

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 21, 2001

MILTON KERNER
WEISER RIVER
WEISER ID 83672

Re: Application for Transfer of No. 69085 in the Name of Ed Bartoschek..

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 21, 2001

GILBERT R BALL
MANN CREEK RD
WEISER ID 83672

Re: Application for Transfer of No. 69085 in the Name of Ed Bartoschek..

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 10, 2001

MANN CREEK IRR DIST
603 E MAIN
WEISER ID 83672

Re: Application for Transfer of No. 69085 in the Name of Ed Bartoschek.

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

FEB 04 2002

2735 AIRPORT WAY
BOISE, IDAHO 83705

**NOT RELEVANT
UNCLASSIFIED -
DATE TO FORWARD**

MAY 17 2001

MICROFILMED

UNCLASSIFIED
DO-550 MAY 19 1965
MAIL ROOM
827 104

SECRET

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 10, 2001

MANN CREEK IRR DIST
603 E MAIN
WEISER ID 83672

Re: Application for Transfer of No. 69085 in the Name of Ed Bartoschek.

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 10, 2001

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Transfer of No. 69085 in the Name of Ed Bartoschek.

Dear Sir:

Enclosed is a copy of the above referenced application for transfer, which may be of interest to your agency. The proposed use of this application is from surface water. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl. Copy of Application

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 9, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Ed Bartoschek
1975 W Indianhead Rd
Weiser ID 83672

RE: Application for Transfer

Dear Mr. Bartoschek:

Idaho Department of Water Resources (IDWR) received your transfer April 2, 2001, which was filed on right 67-00563 to change a point of diversion on Mann Creek. In order to continue processing the transfer, evidence must be provided that the 31.5 acres listed on the transfer have been irrigated with water from Mann Creek in the last five years.

This information is necessary to assure IDWR that the transfer proposal is based on an active right, rather than something not beneficially used in the past. Aerial photos are probably the best evidence. Photos must be labeled with the year of the photo. There is an aerial photo attached to your application, but it does not list the year the photo was taken. Affidavits will also work, but are probably the weakest evidence, particularly if signed by the applicant or another party seeking advantage from the transfer.

We also need to know if you own the property where the proposed point of diversion will be constructed. If not, please describe the arrangement allowing you access to the Creek.

Please submit the above requested information within 30 days from the date of this letter. If the requested information is not received within 30 days, proceedings to void the application will commence.

If you have any questions, please contact me at this office.

Sincerely

Lori Graves

Sr. Water Resource Agent

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 10, 2001

Legal Notice Department

Weiser Signal

PO Box 709

Weiser ID 83672

RE: Transfer No. 69085
Water Right No(s). 67-563

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 06/04/2001. Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script, appearing to read 'Sue', is written over a horizontal line.

Sue Taylor

Senior Secretary

MICROFILMED

FEB 04 2002