

RECEIVED
JUN 10 1957
Department of Reclamation

NOTICE OF
PROPOSED WATER RIGHT

Notice is hereby given that LILLIE I. CONDIE, 152 Tyler, Twin Falls, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing her to change the place of use of the waters of Condie Hot Springs as follows:

Amount 2.0 cubic feet per second with priority: August 29, 1931, with Point of Diversion in SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 14, Twp. 1 S., Rge. 21 E., TRANSFERRED FROM: the E $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, Twp. 1 S., Rge. 21 E., TO BE TRANSFERRED TO: S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 1 S., Rge. 21 E. Also: 2.0 cubic feet per second with Priority: March 30, 1883, of the waters of Fish Creek with Point of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, Twp. 1 N., Rge. 22 E. TO BE TRANSFERRED FROM: SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 14; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, Twp. 1 S., Rge. 21 E. TO BE TRANSFERRED TO: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 24, Twp. 1 S., Rge. 21 E. with no change in point of diversion. Also: 80 cubic feet per second with priority: March 30, 1883 of the waters of Fish Creek with Point of Diversion in NW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 33, Twp. 1 N., Rge. 22 E., TO BE TRANSFERRED FROM: S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24, Twp. 1 S., Rge. 21 E., TO BE TRANSFERRED TO: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, Twp. 1 S., Rge. 21 E., with no change in Point of Diversion.

And that on the 6th day of June, 1957, at 10:00 o'clock A.M. at Room 107, State House, Boise, Idaho before the State Reclamation Engineer or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP
State Reclamation
Engineer.

pub. 5/16-23

Affidavit of Publication

STATE OF IDAHO, } ss.
County of Blaine,

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey

Times, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the

16th day of May, 1957
and ending with the last publication thereof on the

23rd day of May, 1957

Cost of this publication is \$ 14.16

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 24th day
of May, 1957

R. H. McElroy
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

MICROFILMED

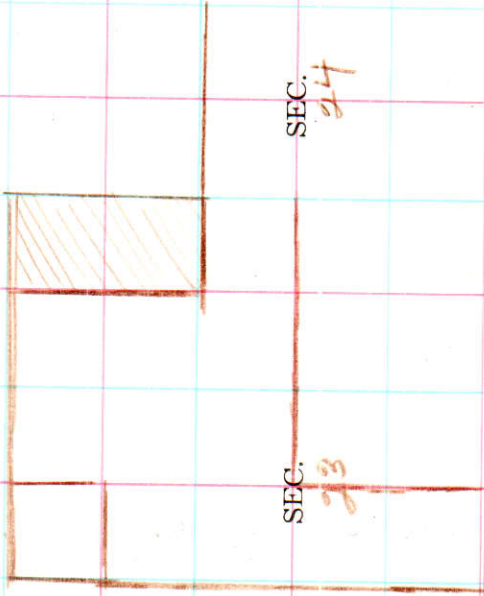
887

Name of Applicant _____

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SEC. 14

SEC. 13



SEC. 23

SEC. 24

SEC.

SEC.

SEC.

SEC.

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JUL 22 2003

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-29)
IN THE NAME OF ELLSWORTH ENTERPRISES)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Blaine County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on July 16, 2003 Ellsworth Enterprises ("applicant") submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no. 37-738 and 37-749C are authorized only at the point of diversion and places of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new point of diversion on Fish Creek.

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3. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.
4. Rights no. 37-738 and 37-749C are limited to the irrigation of a total of 287.5 acres during the remainder of the irrigation season on those lands identified on the application.
5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
6. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
7. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
8. To prevent injury to other water rights the watermaster of Water District No. 37-U is authorized to administer the temporary change approval. When these rights and others appurtenant to the lands identified on the application are combined no more than 0.02 cfs per acre may be diverted at any one time at the field headgate.
9. This temporary change approval expires on October 31, 2003 unless rescinded or extended by the director. Thereafter, the water rights shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 18th day of July, 2003.



Allen Merritt
Southern Region Manager

TC-37-29

Form 42-222A
12/99

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Ellsworth Enterprises Phone 823-4423Post Office Address PO Box 158, Carey, ID 83320

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Due to the drought, there is not enough water for 2 farms. So I want to move the remaining water from the south farm to the farm north of Hwy 93.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-738</u>	<u>3-30-1883</u>	<u>2.0 cfs</u>	<u>Irrig</u>	<u>4-1</u> to <u>11-1</u>
<u>37-749C</u>	<u>"</u>	<u>3.2 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>
				to
				to

2. Total amount of water being transferred 5.2 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Fish Creek tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	NE	SE	23	1N	22E	Blaine	Highline Canal diversion

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	21E	12			38	40									40	40	40	40	238
		13	40	40	40			27	40	175	40	40				40			326.5
		14				40									39				79
15	22E	18						20											20

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Total Acres 662.5

6. General Information:

- a. Who owns the water right to be changed? Applicant - Maurice Ellsworth
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Will not be irrigated
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? Would just be used for cattle, as there is not enough for useful irrigation
- f. Describe other water rights used for the same purpose.
Other Fish Creek rights have already been cut off
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Maurice Ellsworth
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by JS Date 7-16-03 Fee \$50.

Receipted JS # 5025981 Recommend: _____ approve _____ deny _____

Watermaster recommendation Approval per telecon 7-17-03

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-37-29

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

See attached Order
dated 7/18/03

Witness my hand this 18th day of July, 2003.

MICROFILMED

AUG 20 2003

[Signature]
For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-738

WATER RIGHT NUMBER: 37-738

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LILLIE I CONDIE
	TWIN FALLS, ID 83301
Original Owner	G A CONDIE
	, ID
Current Owner	MAURICE C ELLSWORTH
	BOX 158
	CAREY, ID 83320
	(208)823-4423

Priority Date: 03/30/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	2.000 CFS	
	<u>Total Diversion:</u>		2.000 CFS	

Location of Point(s) of Diversion

FISH CREEK	SE1/4NE1/4SE1/4	Sec. 33, Twp 01N, Rge 22E, B.M.
BLAINE 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	
01S	21E	13									17.0	35.0					38.0	90.0	
01S	21E	24			30.0	20.0	40.0	40.0	35.0	17.0								182.0	
01S	22E	10							15.5									15.5	

Total Acres: 287.5

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-738

1. General TRANS. 887.

Comments:

Dates and Other Information:

Claim Received Date: 10/26/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number: 37U

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-749C

WATER RIGHT NUMBER: 37-749C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAURICE C ELLSWORTH BOX 158 CAREY, ID 83320 (208)823-4423
Original Owner	LILLIE I CONDIE TWIN FALLS, ID 83301
Original Owner	IRA ELDRIDGE CAREY, ID 83320
Original Owner	LILLIE I CONDIE , ID

Priority Date: 03/30/1883

Basis: Decreed

Status: Active

Source

FISH CREEK

Tributary

LITTLE WOOD RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

3.200 CFS

Annual VolumeTotal Diversion: 3.200 CFSLocation of Point(s) of DiversionFISH CREEK
BLAINE County

SE1/4NE1/4SE1/4

Sec. 33, Twp 01N, Rge 22E, B.M.

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	
01S 21E 13											17.0	35.0			38.0		90.0
01S 21E 24			30.0	20.0	40.0	40.0	35.0	17.0									182.0
01S 22E 10							15.5										15.5

Total Acres: 287.5

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-749C

Remarks:

1. General TRANS. 887.
 THIS RIGHT HAS BEEN COMBINED BECAUSE THE CLAIMANT OWNS ALL OF THE LAND
 INVOLVED IN THE A AND B PORTION.

Comments:

Dates and Other Information:

Claim Received Date: 10/26/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 37U
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Condie, G. A.	2.0		37-0738
887	Condie, Lillie I.	2.0	0	37-0738A

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RECORDED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Lillie I. Condie
Twin Falls, Idaho)

ORDER GRANTING TRANSFER

No. 887.

For a Transfer of Water Right, in
Water District No. 25, Blaine County,
Idaho.)

WHEREAS, On the 10th day of June, 1957, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of Lillie I. Condie, of Twin Falls, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 26th day of September, A. D. 1957.

(SEAL)

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 887

THIS IS TO CERTIFY THAT LILLIE I. CONDIE, OF Twin Falls, Idaho, is the owner of and using a certain water right for (100) One Hundred inches of the waters of Fish Creek, with priority of March 30, 1883, decreed to G. A. Condie, by Judge Edward A. Walters, of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, in the case of

ADELBERT L. POTTER, et al.,

Plaintiffs,

vs.

JOSEPH R. PATTERSON, et al.,

Defendants,

said decree bearing date of December 15, 1911, and being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ Section 14;
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13;
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24;
Township 1 South, Range 21 East, B. M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at page 55 thereof.

That said Lillie I. Condie has become the owner of said water right by mesne conveyance.

And that now, upon the application of Lillie I. Condie, of Twin Falls, Idaho, for the transfer of One Hundred (100) inches of the waters of Fish Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of One Hundred (100) inches of said water upon the above described lands is hereby abandoned, and the place of use of said water under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this certificate, for irrigation and domestic purposes, is described as follows, to-wit:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13;
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24;
Township 1 South, Range 21 East, B. M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

One Hundred (100) inches of the waters
of Fish Creek, with priority of March 30, 1883.

CONFIRMED

That the water right hereby transferred has heretofore been conducted to the first above described lands through the Hot Springs Canal, with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, Township 1 North, Range 22 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the same ditch, and with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 26th day of September, A. D. 1957.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

(SPAL)

RECEIVED
SEP 27 1957
BOISE, IDAHO

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Lillie I. Condie
Twin Falls, Idaho)

ORDER GRANTING TRANSFER

No. 887.

For a Transfer of Water Right, in)
Water District No. 25, Blaine County,)
Idaho.

WHEREAS, On the 10th day of June, 1957, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of Lillie I. Condie, of Twin Falls, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby:

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 26th day of September, A. D. 1957.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

(SEAL)

RECEIVED
SEP 27 1957
STATE RECLAMATION ENGINEER

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 887

THIS IS TO CERTIFY THAT LILLIE I. CONDIE, OF Twin Falls, Idaho, is the owner of and using a certain water right for (100) One Hundred inches of the waters of Fish Creek, with priority of March 30, 1883, decreed to G. A. Condie, by Judge Edward A. Walters, of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, in the case of

ADELBERT L. POTTER, et al.,

Plaintiffs,

vs.

JOSEPH R. PATTERSON, et al.,

Defendants,

said decree bearing date of December 15, 1914, and being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14;
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13;
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24;
Township 1 South, Range 21 East, B. M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at page 55 thereof.

That said Lillie I. Condie has become the owner of said water right by mesne conveyance.

And that now, upon the application of Lillie I. Condie, of Twin Falls, Idaho, for the transfer of One Hundred (100) inches of the waters of Fish Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of One Hundred (100) inches of said water upon the above described lands is hereby abandoned, and the place of use of said water under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this certificate, for irrigation and domestic purposes, is described as follows, to-wit:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13;
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24;
Township 1 South, Range 21 East, B. M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

One Hundred (100) inches of the waters
of Fish Creek, with priority of March 30, 1883.

That the water right hereby transferred has heretofore been conducted to the first above described lands through the Hot Springs Canal, with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, Township 1 North, Range 22 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the same ditch, and with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 26th day of September, A. D. 1957.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

(SEAL)



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF LINCOLN.

ADELBERT L. POTTER ET AL	(	
	)	
PLAINTIFFS.	(	FINDINGS OF FACT
	)	
VS.	(	AND
	)	
JOSEPH R. PATERSON ET AL	(	CONCLUSIONS OF LAW
	)	
DEFENDANTS.	(	
-----	)	

That the following named plaintiffs and defendants, claimants of the use of water in said notion, respectively, are the owners, in the possession and entitled to the possession of the following described tracts of land, to-wit:-

Allred, E. A. Commencing at a point 45 rods South of the North East corner of the SW $\frac{1}{2}$ of the NE $\frac{1}{4}$, Sec. 13, T. 1 S. Range 21 E. thence west 80 rods; thence South 22 $\frac{1}{2}$ rods; thence East 80 rods; thence North 22 $\frac{1}{2}$ rods to the place of beginning, containing 11 $\frac{1}{4}$ acres, known as the Tax Lot No. 765, the same being a part of the land originally acquired from the United States by George W. Case.

Allred. E. A. S $\frac{1}{2}$. Sw $\frac{1}{4}$. Sec. 34, T. 1 N., R. 22 E. and lots 2 and 3 Sec. 3, T. 1 S., R. 22 E., containing 160 acres.

Boulton Aaron. Commencing at the Northwest corner of NW $\frac{1}{4}$ NE $\frac{1}{4}$. Sec. 13.. T. 1 S. R. 21 E. running thence west 80 rods, thence south 22 $\frac{1}{2}$ rods, thence east 80 rods; thence north 22 $\frac{1}{2}$ rods to place of beginning, containing 11 $\frac{1}{4}$ acres, known as Tax Lot No. 763, and being a part of the land originally

acquired from the United States by George
W. Case.

Boulton Aaron E $\frac{1}{4}$. NW $\frac{1}{4}$. Sec. 34. T. 1 N. R. 22 E.
containing 160 acres.

Briggs, William G. Commencing at the South East corner of NW $\frac{1}{4}$ of
SE $\frac{1}{2}$. Sec, 13, T. 1 S., R. 21 E. Running
thence North 80 rods; thence West 60 rods;
thence South 80 rods; thence East 60 rods to
place of beginning; containing 30 acres, also
Lot 1, Sec. 19. T. 1 S. R. 22 E., containing
40 acres, and being a part of the land ac-
quired from the United States by George W.
Case.

Condie. G. A. SE $\frac{1}{4}$. SE $\frac{1}{4}$, Sec. 14, W $\frac{1}{2}$. SE $\frac{1}{4}$. Sec. 13, NW $\frac{1}{4}$, NE $\frac{1}{4}$
Sec. 34. T. 1 S., R. 21 E. containing 120
acres, and being a part of the land acquired
from the United States by George W. Case.

Condie. G. A. SE $\frac{1}{4}$. NW $\frac{1}{4}$. E $\frac{1}{2}$. SW $\frac{1}{4}$. NW $\frac{1}{4}$. SE $\frac{1}{4}$. Sec. 7. T. 1 S.
R. 22 E. containing 160 acres.

Campbell. Geo. W. S $\frac{1}{2}$. NE $\frac{1}{2}$. E $\frac{1}{2}$. SE $\frac{1}{4}$. Sec. 7. T. 1 S., R. 22 E.
containing 160 acres.

Chidester, Willard D. Lots 2 and 3, Sec. 20, SE $\frac{1}{4}$. SW $\frac{1}{4}$. Sec.
17, T. 1 S., R. 22 E. containing 160 acres.

Coates, Joseph SW $\frac{1}{4}$. NE $\frac{1}{4}$. SE $\frac{1}{4}$. SW $\frac{1}{4}$. W $\frac{1}{2}$. SE $\frac{1}{4}$. Sec. 27, T. 1 N.
R. 22 E., containing 160 acres.

Coates, Paul W $\frac{1}{2}$. NE $\frac{1}{4}$. W $\frac{1}{2}$. SE $\frac{1}{4}$. Sec. 34. T. 1 N., R. 22 E.

containing 160 acres.

Davis, Edward	SW $\frac{1}{4}$. SW $\frac{1}{4}$. Sec. 17, S $\frac{1}{2}$. SE $\frac{1}{4}$ Sec. 18, SE $\frac{1}{4}$. SW $\frac{1}{4}$. Sec. 18, T. 1 S. R. 22 E. Containing 160 acres.
Davis, David T.	NE $\frac{1}{2}$. SW $\frac{1}{4}$. Sec. 24. T. 2 N., R. 22 E., containing 40 acres.
Davis, Amy A.	W $\frac{1}{2}$. SW $\frac{1}{4}$. Sec. 24. T. 2 N., R. 22 E., containing 80 acres.
Dilworth J. G.	NE $\frac{1}{4}$. SE $\frac{1}{4}$. Sec. 18, N $\frac{1}{2}$. SW $\frac{1}{4}$. Sec. 17, T. 1 S. R. 22 E. and NW $\frac{1}{4}$. SE $\frac{1}{4}$. Sec. 17, T. 1 S., R. 22 E. containing 160 acres.
Evins. Geo. W.	S $\frac{1}{2}$. SE $\frac{1}{4}$. Sec. 8, E $\frac{1}{2}$. NW $\frac{1}{4}$. NE $\frac{1}{4}$. Sec. 17, T. 1 S. R. 22 E. containing 320 acres.
Eldridge, Ira	S $\frac{1}{2}$. SW $\frac{1}{4}$. Sec. 13, N $\frac{1}{2}$. NW $\frac{1}{4}$. Sec. 24, T. 1 S. R. 21 E. containing 160 acres, the same being a part of the lands originally ac- quired from the United States by Geo. W. Case.
Fuller, Joseph S.	E $\frac{1}{2}$. SE $\frac{1}{4}$. Sec 12, NE $\frac{1}{4}$. NE $\frac{1}{4}$. Sec. 13, T. 2 N. R. 22 E. and Lot 3, Sec 7, T. 2 N, R. 23 E. containing 160 acres.
Clifford, Alma	N $\frac{1}{2}$. NW $\frac{1}{4}$. N $\frac{1}{2}$. NE $\frac{1}{4}$. Sec. 9, T. 1 S. R. 22 E. containing 160 acres.
Hammer, S. L.	Commencing at a point 67 $\frac{1}{2}$ rods South of North East corner of NW $\frac{1}{4}$. NE $\frac{1}{4}$. Sec 13, T. 1 S. R. 21 E. thence west 80 rods, thence 22 $\frac{1}{2}$ rods

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thence East 80 rods; thence North $22\frac{1}{2}$ rods;
to the place of beginning, containing $11\frac{1}{4}$
acres, the same being a part of the lands
originally acquired from the United States
by George W. case.

Hale Chas. E.

$S\frac{1}{2}$. $SE\frac{1}{4}$. $S\frac{1}{2}$. $SW\frac{1}{4}$. Sec. 6, T. 1 S., R. 22 E.
containing 160 acres.

Jones James

$SE\frac{1}{4}$. $NE\frac{1}{4}$. $NE\frac{1}{4}$. $SE\frac{1}{4}$. Sec 32, $W\frac{1}{2}$, $SW\frac{1}{4}$, Sec 33.
T. 1 N., R. 22, E., containing 160 acres.

Knight Vinson P.

$SW\frac{1}{4}$. $SW\frac{1}{4}$. Sec. 4. T. 1 S. R. 22 E., containing
40 acres.

Knutson. E. P.

Commencing at a point $22\frac{1}{2}$ rods South of the
Northeast corner of $NW\frac{1}{4}$. $NE\frac{1}{4}$. Sec. 13, T. 1 S.
R. 21 E. running thence West 80 rods; thence
South $22\frac{1}{2}$ rods, thence East 80 rods; thence
North $22\frac{1}{2}$ rods to place of beginning.
containing $11\frac{1}{4}$ acres, the same being a part
of the lands originally acquired from the
United States by George W. Case.

Moore, R. R.

$NW\frac{1}{4}$. $NW\frac{1}{4}$. $S\frac{1}{2}$. $NE\frac{1}{4}$. $NE\frac{1}{4}$. $SW\frac{1}{4}$. Sec. 10, $SE\frac{1}{4}$. $NE\frac{1}{4}$
 $NE\frac{1}{4}$. $SE\frac{1}{4}$. Sec. 8, $SW\frac{1}{4}$. $NW\frac{1}{4}$. $NW\frac{1}{4}$. $SW\frac{1}{4}$. Sec. 9
T. 1 S. R. 22 E. containing 320 acres.

McDougal, Isabella

$SW\frac{1}{4}$. $SE\frac{1}{4}$. Sec. 2. $N\frac{1}{2}$. $NE\frac{1}{4}$. $NE\frac{1}{4}$. $NW\frac{1}{4}$. Sec. 11,
T. 1 N. R. 22 E. containing 160 acres.

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McDougal, Isabella $W\frac{1}{2}$. $NW\frac{1}{4}$. Sec 1, T. 1 N., R. 22 E.,
containing 80 acres.

McDougal, Isabella. $SE\frac{1}{4}$. $NW\frac{1}{4}$ / $NE\frac{1}{4}$. $SW\frac{1}{4}$. Sec. 11, T. 1 N.
R. 22 E. containing 80 acres.

McDouga;, Isabella. Lot 1, $SE\frac{1}{4}$. $NE\frac{1}{4}$. $E\frac{1}{2}$ / $SE\frac{1}{4}$. Sec 2. T. 1 N.
R. 22 E. containing 160 acres.

McDougal, Isabella. $N\frac{1}{2}$. $SW\frac{1}{4}$. $SE\frac{1}{4}$. $NW\frac{1}{4}$. $NW\frac{1}{4}$. $SE\frac{1}{4}$. Sec. 1.
T. 1 N. R. 22 E. 80 acres.

McDougal, Isabella. $SE\frac{1}{4}$. $NW\frac{1}{4}$. $NE\frac{1}{4}$. $NW\frac{1}{4}$. Sec. 11. T. 1 N.
R. 22 E. containing 80 acres.

McDougal, Isabella. $SW\frac{1}{4}$. $SW\frac{1}{4}$. Sec 1, $NW\frac{1}{4}$. $NW\frac{1}{4}$. Sec 12,
T. 1 N. R. 22 East, containing
80 acres.

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Norton, Lafayette M. $SW\frac{1}{4}.NE\frac{1}{4}.NE\frac{1}{4}.SW\frac{1}{4}.W\frac{1}{2}.SE\frac{1}{4}$. Sec. 33. T. 1 N.,
R. 22 E., containing 160 acres.

Potter Adelbert L. $N\frac{1}{2}.NW\frac{1}{4}.SE\frac{1}{4}.NW\frac{1}{4}.NE\frac{1}{4}/SW\frac{1}{4}$. Sec. 10. T. 1 N.
R. 22 E. containing 160 acres.

Phillips, John L. $SW\frac{1}{4}.NE\frac{1}{4}.W\frac{1}{2}.SE\frac{1}{4}$. Sec 12, T. 1 S., R. 21 E.,
containing 120 acres.

Phillips, Fred T. Lots 2, 3, and 4, Sec 7, lots 5 and 6, Sec, 18
T. 1 S., R. 22 E., containing acres.

Phillips, Fred T. $E\frac{1}{2}.NE\frac{1}{4}.E\frac{1}{2}.SE\frac{1}{4}/$ Sec, 12, T. 1 S., R. 21 E.,
containing 160 acres, the same being a part
of the lands originally acquired from the
United States by George W. Case.

Patterson Joseph R. $N\frac{1}{2}.SW\frac{1}{4}$. Sec. 13, $NW\frac{1}{4}.SW\frac{1}{4}$. Sec. 13. (excepting
a tract of land commencing at the South East
corner of $NW\frac{1}{4}.SE\frac{1}{4}$. Sec 13. running thence
North 80 rods; thence West 60 rods; thence
South 80 rods; thence East 60 rods; to place
of beginning.); also $SW\frac{1}{4}.NE\frac{1}{4}$. Sec 13.
(excepting a tract commencing at the North
east corner of said forty, running thence
South 10 rods; thence West 80 rods, thence
North 10 rods; thence East 80 rods to place
of beginning) all in T. 1 S., R. 21 E.,
the tract of land owned by said Patterson.
containing 125 acres, and being a part of the
land originally acquired from the United States
by George W. Case.

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Patterson, Joseph R. $SE\frac{1}{4}.NE\frac{1}{4}.NE\frac{1}{4}.SE\frac{1}{4}$. Sec. 14, T. 1 S., R. 21 E.
containing 80 acres.

Parks, Teresa Lot 1, $NE\frac{1}{4}.NW\frac{1}{4}.N\frac{1}{2}.NE\frac{1}{4}$. Sec. 7. T. 1 S.
R. 22 E. containing 160 acres, the same
being a part of the lands originally
acquired from the United States by George
W. Case.

Patterson John $W\frac{1}{2}.SE\frac{1}{4}$. Sec. 5. $N\frac{1}{2}.NE\frac{1}{4}$. Sec. 8. T. 1 S.,
R. 22 E. containing 160 acres.

Peterson Arthur E. $E\frac{1}{2}.SW\frac{1}{4}$. Sec. 5. $E\frac{1}{2}.NW\frac{1}{4}$. Sec. 8. T. 1 S.
R. 22 E., containing 160 acres.

Peterson John A. $SW\frac{1}{4}.SE\frac{1}{4}$. Sec. 7. $NE\frac{1}{4}.NW\frac{1}{4}.NW\frac{1}{4}.NE\frac{1}{4}.SE\frac{1}{4}.NW\frac{1}{4}$.
 $S\frac{1}{2}.NE\frac{1}{4}.NE\frac{1}{4}.SW\frac{1}{4}.NW\frac{1}{4}.SW\frac{1}{4}$. Sec. 18, T. 1 S.
R. 22 E., containing 280 acres.

Peterson, Levi S. $SW\frac{1}{4}.NE\frac{1}{4}.NW\frac{1}{4}.SE\frac{1}{4}.E\frac{1}{2}.SW\frac{1}{4}$. Sec. 8, $W\frac{1}{2}.NW\frac{1}{4}$.
Sec. 17, $E\frac{1}{2}.NE\frac{1}{4}$ / Sec. 18, T. 1 S., R. 22 E.
containing 320 acres.

Sparks Hyrum $E\frac{1}{2}/NW\frac{1}{4}.SW\frac{1}{4}/NW\frac{1}{4}.NW\frac{1}{4}.SW\frac{1}{4}$ / Sec. 36. T. 2 N.
R. 22 E., containing 160 acres.

Sparks Hannah $SE\frac{1}{4}.SE\frac{1}{4}$. Sec. 26. $S\frac{1}{2}.SW\frac{1}{4}.SW\frac{1}{4}.SE\frac{1}{4}$. Sec 25,
T. 2 N/. R. 22 E. Containing 160 acres.

Stinson Alice J. $SW\frac{1}{4}/NW\frac{1}{4}/W\frac{1}{2}.SW\frac{1}{2}$. Sec. 3, $SE\frac{1}{4}/NE\frac{1}{4}$. Sec. 4
T. 1 N., R. 22 E. containing 160 acres.

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Welch. A. L. $E\frac{1}{2}/NE\frac{1}{4}.NE\frac{1}{4}.SW\frac{1}{4}.Sec. 13, T. 1 S., R. 21 E.$
 Lot 3, Sec 18, T. 1 S., R. 22 E. containing
 160 acres, the same being a part of the lands
 originally acquired from the United States
 by George W. Case.

Wolpert. D. $SE\frac{1}{4}.SE\frac{1}{4}.Sec. 13, NE\frac{1}{4}.NE\frac{1}{4}.Sec. 24. T. 1 S.$
 R. 21 E. Lot 4, Sec. 18. T. 1 S., R. 22 E.,
 containing 120 acres, the same being a part
 of the lands originally acquired from the
 United States by George W. Case.

Ward. John Lot, 1. Sec. 4. T. 1 N., R. 22 E., Lot 1,
 $N\frac{1}{2}.SE\frac{1}{4}.Sec. 33. T. 2 N., R. 22 E.,$ containing
 160 acres.

Ward. John $W\frac{1}{2}.SW\frac{1}{4}.Sec. 27/SE\frac{1}{4}.SE\frac{1}{4}/Sec. 28. NE\frac{1}{4}.NE\frac{1}{4}.$
 Sec. 33. T. 2 N. R. 22 E. containing 160 acres.

2. That all of the said lands are arid in character, and require the artificial application of water thereto before they can be successfully cultivated and profitable crops of agricultural products raised thereon.

3. That for the irrigation of their respective tracts of land, and for domestic and other purposes, the said claimants and their predecessors in interest, appropriated, on the respective dates set opposite their names, of the waters of Fish Creek and its tributaries, in Blaine County, Idaho, the respective amounts of water set opposite each name and at the respective times, as follows, to-wit

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Allred, E. A.	11 $\frac{1}{4}$ inches.	Mar. 30, 1883
Allred, E. A.	50 "	Apr. 15, 1910
Boulton, Aaron	11 $\frac{1}{4}$ "	Mar. 30, 1883
Boulton, Aaron	100 "	May, 23, 1910
Briggs, William G.	70 #	Mar. 30, 1883
Condie, G. A.	100 "	Mar. 30, 1883
Condie, G. A.	100 "	Aug. 18, 1905
Campbell, Geo. W.	120 "	Aug. 18, 1905
Chidester, Willard D.	100 "	May 15, 1906
Coates Joseph	80 "	May 15, 1903
Coates, Paul	160 "	Jan 16, 1909
Davis, Edward.	130 "	Sep. 15, 1905
Dilworth, J. G.	130 "	June 1, 1908
Davis, David T.	20 "	May 5, 1909
Davis Amy A.	25 "	May 30, 1911
Ewins, Geo. W.	40 "	July 25, 1907
Ewins, Geo/ W.	200 "	Jan. 16, 1909
Ewins, Geo. W.	80 "	Aug. 18, 1905
Eldridge, Ira.	160 "	Mar. 30, 1883
Fuller, Joseph S.	40 "	June 15, 1906
Clifford, Alma	25 "	May 1, 1907
Hammer S. L.	11 $\frac{1}{4}$ "	Mar. 30, 1883
Hale, Charles E.	90 "	Aug. 18, 1905
Jones, James.	50 "	May 15, 1908
Knutson, E. P.	11 $\frac{1}{4}$ "	Mar. 30, 1883
Knight, V. P.	20 "	May 15, 1904
Moore, R. R.	200 "	Jan. 16, 1909
McDougal, Isabella	100 "	from E. Fork of Fish Cr. June 1, 1884
	25 "	" " " " " " " June 1, 1884
	25 "	" " Fish Creek June 1, 1884
	40 "	" " " " " " " June 1, 1885
	50 "	" " E. Fork of Fish Cr. June 1, 1885
	80 "	" " Fish Creek June 1, 1885
	20 "	" " E. Fork of Fish Creek June 1, 1902
	40 "	" " Fish Creek June 1, 1887
	30 "	" " E. Fork of Fish Cr. June 1, 1890
Norton, Lafayette M.	10 "	May 15, 1908
Norton, Lafayette M.	50 "	May 23, 1910
Potter, Adelbert L.	40 "	Apr. 10, 1905
		From West Fork

Phillips, John L.	50 inches	Apr. 30, 1904
Patterson, Joseph R.	125 "	Mar. 30, 1883
Patterson, Joseph R.	5 "	June 1, 1898
	55 "	June 1, 1910
Phillips, Fred T.	160 "	Mar. 30, 1883
Phillips, Fred T.	130 "	Apr. 30, 1903
Parks, Teresa	160 "	Mar. 30, 1883
Peterson, John	160 "	Aug. 18, 1905
Peterson, Arthur E.	130 "	Aug. 18, 1905
Peterson John A.	250 "	Aug. 18, 1905
Peterson Levi S.	290 "	Aug. 18, 1905
Sparks, Hyrum	155 "	June 30, 1899
Sparks, Hannah	110 "	June 15, 1907
Stinson Alice J.	53 "	Apr. 21, 1905 From West Fork
Welch, A. L.	160 "	Mar. 30, 1883
Wolpert, B.	120 "	Mar. 30, 1883
Ward, John	60 "	May 18, 1904
Ward, John	80 "	May 15, 1905

4. That the rights to the use of the waters of said Fish Creek, at that time were litigated before the District Court of the Second Judicial District, in and for Alturas County, Idaho Territory, in the case of George W. Case vs. W. D. Hood et al, in which suit, judgment and decree was rendered as follows:

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT, IN AND
FOR ALTURAS COUNTY, IDAHO TERRITORY.

GEORGE W. CASE

PLAINTIFF.

VS.

WILLIAM HOOD ET AL

DEFENDANTS.

JUDGMENT BY THE COURT.

This came on regularly for trial on the 16th day of June, 1890,
Angel & Sullivan and N. M. Ruick appearing on behalf of the

plaintiff and G. L. Waters, Esq. and F. E. Ensign Esq. appearing for the defendants Hood, Crooks and Cameron, the defendants John Loucks and Loucks having made default.

A trial by jury having been expressly waived in open court the same was tried before the court without a jury, whereupon witnesses on the part of the plaintiff and defendants were duly sworn and examined and documentary evidence introduced by respective parties, and the evidence being closed, the same was submitted to the court, for his consideration and decision, and now on this day, the court files his finding and decision in writing, and orders that judgment be entered herein in favor of the plaintiff in accordance therewith.

Wherefore, it is ordered, adjudged, and decreed that the plaintiff as against all of the defendants in said action is entitled to 750 inches, measured under a four inch pressure of the water of Fish Creek, described in his complaint. That the defendant, Crooks, is thereafter entitled to one hundred inches of water, measured under a four inch pressure of the waters of East Fork tributary of said Fish Creek. That the plaintiff is thereafter entitled to one hundred and fifty inches of the water of said Fish Creek in addition to said 750 inches and that the defendants and each of them be, and they are hereby restrained from the use of said water, except in accordance with the foregoing judgment and that the plaintiff have judgment against each and all of the defendants for his cost herein, taxed at \$188.32 $\frac{1}{2}$ Dollars.

(Sgd.) Jas. H. Beatty.

Judge.

Dated June 23, 1890

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5. That defendants herein, E. A. Allred, Aaron Boulton, William G. Briggs, G. A. Condie, Ira Eldridge, S. L. Hammer, E. P. Knutson, Joseph R. Patterson, Fred T. Phillips, Teresa Parks, A. L. Welch and B. Wolpert are the successors in interest of George W. Case in the ownership of the lands and water rights acquired by him, and defendant, Isabella McDougal is the successor in interest of said W. J. Crooks and John Cameron.

6. That said George W. Case filed upon the following described lands on the dates hereafter mentioned at the United States Land Office, Hailey, Idaho, To wit:-

SE $\frac{1}{4}$.SW $\frac{1}{4}$. Sec 14, W $\frac{1}{2}$.SW $\frac{1}{4}$. Sec. 13.	) November 18, 1880
NW $\frac{1}{4}$.NW $\frac{1}{4}$. Sec 24, T. 1 S. R. 22 E.	
E $\frac{1}{2}$. Sec. 13, E $\frac{1}{2}$.SW $\frac{1}{4}$. Sec. 13.	) March 24, 1883
NE $\frac{1}{4}$.NW $\frac{1}{4}$. Sec. 24. N $\frac{1}{2}$.NE $\frac{1}{4}$. Sec. 24.	
T. 1 S., R. 21 E., Lots 3 and 4.	
Sec. 18, Lot 1, Sec 19, T. 1 S.,	
R. 22 E.	
E $\frac{1}{2}$. NW $\frac{1}{4}$. E $\frac{1}{2}$.SE $\frac{1}{4}$. Sec. 12, T. 1 S.	) May 24, 1883
R. 21 E.	
Lot 1, NE $\frac{1}{4}$.NW $\frac{1}{4}$.N $\frac{1}{2}$.NW $\frac{1}{4}$. Sec. 7	) June 29, 1885
T. 1 S. R. 22 E.	

7. That said George W. Case was in the possession of and irrigating said lands in the year 1883 and prior to the survey of Township 1 South, Range 22 East.

AS CONCLUSIONS OF LAW.

From the above facts the court finds:-

1. That the various plaintiffs and defendants, claimants to the use of the waters of Fish Creek and its tributaries are entitled to the use of a continuous flow of such waters, to the amounts and as of dates set forth in said Findings for the

purposes therein enumerated.

2. That the judgment and decree rendered in the case of George W. Case Et Al Vs. W. D. Hood Et Al, referred to in the findings herein, is good and valid and in full force and effect, and as between themselves, the various parties hereto, who are the successors in interest of George W. Case. W. J. Crooks and John Cameron are bound by the provisions of said decree in the use of the waters of said Fish Creek.

3. That each party hereto, be enjoined and debarred from in any manner interfering with the flow of the waters in SAId Fish Creek or its tributaries, except as decreed herein.

4. That judgment and decree be entered herein in accordance herewith andthat each party hereto pay his own costs.

Done at Twin Falls, Idaho, December 15, 1914.

Signed Edward A. Walters
DISTRICT JUDGE.

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DEC 16 1914



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 21, 2003

ATTN MAURICE ELLSWORTH
ELLSWORTH ENTERPRISES
PO BOX 158
CAREY ID 83320

Re: Temporary Change Application No. TC-37-29

Dear Mr. Ellsworth:

The Temporary Change Application as referenced above has been **GRANTED**.

Please be advised that the enclosed ORDER AUTHORIZING TEMPORARY CHANGE contains special conditions of approval.

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

Sincerely,

Allen D. Merritt, P.E.
Southern Region Manager

Enclosure(s)

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AUG 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 21, 2003

DARLA M. TANNER WATERMASTER
WATER DISTRICT NO. 37-U
035 LAIDLAW RD
CAREY ID 83320

Re: Temporary Change Application No. TC-37-30 (Matheney)

Dear Ms. Tanner:

The Temporary Change Application as referenced above has been **GRANTED**. Please find a copy of the ORDER AUTHORIZING TEMPORARY CHANGE enclosed.

The Department acknowledges receipt of your recommendation concerning Water Right No. 37-49. Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

Enclosure(s)

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AUG 20 2003

PARRY, ROBERTSON & DALY

LAWYERS

FIDELITY BANK BUILDING

TWIN FALLS, IDAHO

TELEPHONE 884

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY
CLIFFORD E. FIX
BERT LARSON

W. H. CHURCHILL
OF COUNSEL:
J. R. KEENAN

September 27, 1957

**Mark R. Kulp
State Reclamation Engineer
Boise, Idaho**

Attention: Roy W. Thompson

Re: Lillie I. Condie

Dear Mr. Thompson:

Pursuant to your letter of September 26th,
we enclose, herewith, our check in the amount of \$3.00
to cover Transfer Certificates Nos. 886, 887 and 888 for
the above captioned.

Very truly yours,

T. M. ROBERTSON

By

B. Larson
Secretary

bsl

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Department of Reclamation

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Microfilm

September 26, 1957

Mr. T. M. Robertson
C/o Parry, Robertson & Daly,
Fidelity Bank Building
Twin Falls, Idaho

Dear Mr. Robertsons:

We enclose herewith Transfer Certificates
Nos. 886, 887 and 888, in the name of Lillie I. Condie.

The fee for recording these transfers is \$1.00
each, so we return your check for \$1.00 enclosed in your
letter of June 7th, 1957, with the request that you
substitute for it one in the sum of \$3.00.

By this same mail we are sending copies of these
Transfer Certificates to Mr. Joe Rush, Watermaster of
Water District No. 25, at Carey, Idaho, for his information.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

A
Encls.

September 26, 1957

Mr. Joe Rush, Watermaster
Water District No. 25
Carey, Idaho

Dear Mr. Rush:

We enclose herewith, for your information,
copies of Transfer Certificates Nos. 886, 887 and 888
issued to Lillie I. Condie, of 152 Tyler Street, Twin
Falls, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A
Encls.

PARRY, ROBERTSON & DALY

LAWYERS

FIDELITY BANK BUILDING

TWIN FALLS, IDAHO

TELEPHONE 884

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY
CLIFFORD E. FIX
BERT LARSON

W. H. CHURCHILL

OF COUNSEL:

J. R. KEENAN

June 7, 1957

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JUN 10 1957
Department of Reclamation

Office of State Reclamation
Engineer
Capitol Building
Boise, Idaho

Attention: Mr. Roy Thompson

RE Mrs. Lillie Condie

Dear Roy:

Enclosed herewith is the affidavit of publication of notice of Mrs. Condie's proposed transfer of water right and our check in the amount of \$1.00 to your order for your fees.

Will you please advise if there is anything further that we should furnish prior to the issuance of the Certificate of Transfer.

Very truly yours,

T. M. Robertson
T. M. ROBERTSON

TMR:mr
Encs.

RECEIVED
JUN 10 1957
Department of Reclamation

Affidavit of Publication

STATE OF IDAHO, }
County of Blaine, } ss.

Notice is hereby given that LILLIE I. CONDIE, 152 Tyler, Twin Falls, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing her to change the place of use of the waters of Condie Hot Springs as follows:

Amount 2.0 cubic feet per second with priority: August 29, 1931, with Point of Diversion in SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 14, Twp. 1 S., Rge. 21 E., TRANSFERRED FROM: the E $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, Twp. 1 S., Rge. 21 E., TO BE TRANSFERRED TO: S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24, E $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 1 S., Rge. 21 E. Also: 2.0 cubic feet per second with Priority: March 30, 1883, of the waters of Fish Creek with Point of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, Twp. 1 N., Rge. 22 E. TO BE TRANSFERRED FROM: SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 14; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, Twp. 1 S., Rge. 21 E. TO BE TRANSFERRED TO: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 24, Twp. 1 S., Rge. 21 E. with no change in point of diversion. Also: 30 cubic feet per second with priority: March 30, 1883 of the waters of Fish Creek with Point of Diversion in NW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 33, Twp. 1 N., Rge. 22 E., TO BE TRANSFERRED FROM: S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24, Twp. 1 S., Rge. 21 E., TO BE TRANSFERRED TO: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, Twp. 1 S., Rge. 21 E., with no change in Point of Diversion.

And that, on the 6th day of June, 1957, at 10:00 o'clock A.M. at Room 107, State House, Boise, Idaho before the State Reclamation Engineer or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP
State Reclamation
Engineer.

pub. 5/16-23

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey

Times, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the

16th day of May, 1957 and ending with the last publication thereof on the

23rd day of May, 1957

Cost of this publication is \$ 14.16

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 24th day of May, 1957

W. H. McCall
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

RE: Transfer of Water Right
Lillie I. Condie

Date May 13, 1957

Hailey Times
Hailey, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week
for two consecutive weeks prior to **June 6th, 1957**
the date set for the hearing, the expense of the publication to be
paid by the applicant, **Atty, Parry, Robertson & Daly, Fidelity Bank Bldg.**

Twin Falls, Idaho

to whom you should furnish proof of publication on or prior to the
date set for the hearing.

Please acknowledge receipt of this notice, and furnish this
department with a copy of the first publication, in order that we may
check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Supervisor of Water Distribution

827

PROPOSED WATER RIGHT

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And that on the 6th day of June, 1957, at 10:00 o'clock A.M. at Room 107, State House, Boise,

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MARK R. KULP
State Reclamation,
Engineer.

Handwritten: Harry L. Luce

pub. 5/16/23

**NOTICE OF
PROPOSED WATER RIGHT**

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MARK R. KULP
State Reclamation
Engineer.

pub. 5/16-23

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MARK R. KULP
State Reclamation Engineer

600

PARRY, ROBERTSON & DALY

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY
CLIFFORD E. FIX
BERT LARSON

LAWYERS
FIDELITY BANK BUILDING
TWIN FALLS, IDAHO
—
TELEPHONE 884

W. H. CHURCHILL
—
OF COUNSEL:
J. R. KEENAN

May 2, 1957

RECEIVED
MAY 3 1957

Department of Reclamation

Honorable Mark R. Kulp
State Reclamation Engineer
Capital Building
Boise, Idaho

Attention: Mr. Roy Thompson

Re: Mrs. Lillie Condie

Dear Roy:

Enclosed, herewith, are three applications for transfer of water right filed on behalf of Mrs. Lillie Condie of Twin Falls, Idaho, and covering property that she owns in Blaine County on Fish Creek in the vicinity of Carey.

As I explained to you over the phone today, the land from which the water is being transferred is planned to be sold by Mrs. Condie without water right, and by these applications she desires to consolidate all of her water rights on her remaining lands. Because of the location of her Hot Springs, it is necessary that there be a certain amount of shifting of several different rights in order that this may be accomplished.

All of Mrs. Condie's land is subject to a mortgage to The Federal Land Bank of Spokane. I was over in Gooding recently and was informed by the land bank office there that there would probably be no objection to the proposed transfers. At that time a form of lienholder's consent to transfer was made, and the office there agreed to forward it to Spokane for signing. At my suggestion, there was also inserted a statement that Mrs. Condie's title to all of the lands had been insured by Title Insurance. This statement, I trust, will be

RECEIVED

8/27

Honorable Mark R. Kulp
Attention: Mr. Roy Thompson
Page 2

presumptive evidence for your records that she is the owner of the lands in question.

If, for any reason, these applications are not in due form, will you please let me know and we will make every effort to straighten them up. If they are okay, you may send the Notice for Publication to the newspaper in Hailey with instructions to bill our office for their charges.

If any matters come up that can be expedited by telephone, you may feel free to call me collect.

Very truly yours,


T. M. ROBERTSON

TMR:bsl

Enclosures

RECEIVED
JAN 10 1964
U.S. DEPT. OF AGRICULTURE
WASHINGTON, D.C.

922

RECEIVED
NEW YORK
JUL 10 1957

CONSENT OF LIENHOLDER TO TRANSFER OF WATER RIGHT

Consent of Reclamation

WHEREAS Lillie I Condie has made request to the State Reclamation Engineer, State of Idaho for the transfer of water rights as follows:

- (1) 100 inches of water of Fish Creek, priority March 30, 1883 from $S\frac{1}{2}NW\frac{1}{2}$ Section 24, Township 1 South, Range 21 East, Boise Meridian to $SE\frac{1}{2}$ Section 24, Township 1 South, Range 21 East, Boise Meridian.
- (2) 100 inches of water of Fish Creek, priority March 30, 1883 from $SE\frac{1}{2}SE\frac{1}{2}$ Section 14, $SW\frac{1}{2}SE\frac{1}{2}$ Section 13, $NW\frac{1}{2}NE\frac{1}{2}$ Section 24, all in Township 1 South, Range 21 East, Boise Meridian to $SW\frac{1}{2}SE\frac{1}{2}$ Section 13, $NW\frac{1}{2}NE\frac{1}{2}$ Section 24, Township 1 South, Range 21 East, Boise Meridian.
- (3) 2 Cubic feet per second of water of Condie Hot Springs from $E\frac{1}{2}NE\frac{1}{2}$ Section 23, $E\frac{1}{2}SE\frac{1}{2}$ Section 23, Township 1 South, Range 21 East, Boise Meridian to $S\frac{1}{2}SW\frac{1}{2}$ Section 13, $N\frac{1}{2}NW\frac{1}{2}$ Section 24, $E\frac{1}{2}SE\frac{1}{2}NE\frac{1}{2}$ Section 14, Township 1 South, Range 21 East, Boise Meridian.

All in Blaine County, State of Idaho.

AND WHEREAS the undersigned Federal Land Bank of Spokane is the holder of a mortgage lien on all of the above described lands.

Now Therefore, the said Federal Land Bank of Spokane, represents to said State Reclamation Engineer that it has no objection to the granting of such transfer and waive objection to the same.

The Federal Land Bank of Spokane further represents that according to its records, the said Lillie I Condie is the owner of all of the lands above described as shown by a mortgagee's title insurance policy furnished by The Title Insurance Company, Boise, Idaho, in connection with said mortgage lien on July 26, 1954.

Dated this _____ day of _____ 1957.

THE FEDERAL LAND BANK OF SPOKANE

By _____

RECEIVED
JUL 10 1957

NOTICE OF PROPOSED WATER RIGHT

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And that on the 6th day of June, 1937, at 10:00 o'clock A.M. at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP
State Reclamation Engineer

RECEIVED
JUN 10 1937

887

Application For Transfer of Water Right

RECEIVED
JUN 15 1957

STATE OF IDAHO

County of Blaine

} ss.

Department of Reclamation

Lillie I. Condie, being first duly sworn, deposes and says:

That his name is Lillie I. Condie; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is 152 Tyler St., Twin Falls, Idaho.

That he is the owner and using a certain water right, bearing date of priority of Mar. 30, 19 1883, for 100 inches ~~cubic feet per second~~ of the waters of Fish Creek County of Blaine, State of Idaho, decreed to G. A. Condie by decree of Judge Edward A. Walters of the Fourth Judicial District of the State of Idaho, in and for the county of Blaine, in the case of Adelbert L. Potter et al. vs. Joseph R. Patterson et al., said decree bearing date of Dec. 16, 1914 (or obtained by virtue of License No. _____, issued by the State Department of Reclamation of the State of Idaho, dated _____, 19____, bearing date of _____, 19____) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 25 in the County of Blaine and State of Idaho, to-wit: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, T. 1 S. R. 21 E., Containing 120 Acres

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. _____

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream in the SW corner NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township T 1 N, Range 22, B. M., and conducted to the above described lands through Hot Springs Canal as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of 100 miners inches ~~cubic feet per second~~ of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Blaine and State of Idaho, to-wit:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, T. 1 S. R. 21 E. B.M.

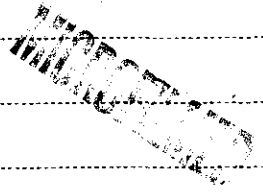
That reasons for desiring to make such transfer are as follows: More efficient use of water

MICROFILMED

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That he intends to divert and convey said 100 inches ~~second-feet~~ of water to the tract of land last above described in the following manner and as per map accompanying this application:

Hot Spring Canal



Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in 1/4 of 1/4 of Section , Township , Range , and thereafter conduct same to the above described land through the ditch, as per map appended.

That his reasons for desiring to make such change are as follows:

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Lillie J. Leondie

Applicant.

Subscribed and sworn to before me this 19 day of April, 1957

J. M. Robertson

Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Fish Creek

X Where is the diversion point located? Head of Hot Springs Canal

Through what ditch is it now conducted? Hot Spring Canal

How much land is now irrigated by the water sought to be transferred? 120 acres

Give the description: SE 1/4 SE 1/4 Sec. 14, SW 1/4 SE 1/4 Sec 13, NW 1/4 NE 1/4 Sec 24 T.1 S

R. 21 East B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 100
What kind of crops are being raised? Pasture, alfalfa, Small grains
How much water per acre is now required to irrigate said land? One C.F.S. per 40 Acres
What will be the effect on the land now irrigated, if the use of water on it is discontinued? Land is set, now difficult to use because of flooding. Whenever waters recede some pasture grass will grow naturally.
Give location of new point of diversion, if change is to be made no Change
Through what ditch will it be conducted after transfer? Hot Springs Canal
How much water will be required per acre to irrigate the land to which this water is transferred? one C.F.S. per 40 acres
Do you claim any other water right for the land from which you seek to abandon the use of this water?
If so, give amount, date and source. none
Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. none

Signed Lillie J. Condie
Applicant.

STATE OF IDAHO,

County of _____

ss.

I, Joe Bush, Watermaster of Irish Creek
Water District No. 25, County of Blaine, State of Idaho, whose postoffice address is Carey, have read or heard read the foregoing affidavit and petition of Lillie J. Condie, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Watermaster, District No. 25
Joe Bush
Dated at Carey, Idaho, this 15 day of April, 19 57

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SFC. 12

SEC. 24

५३

DATE

CONTENTS

2

SEC.

Scale: 2 Inches—1 Mile. Draw Map in Ink.