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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4172
WATER RIGHT NO(S). 37-00059H/37-00321

This is to certify that: ALEX ANCHUSTEGUI
ELSA ANCHUSTEGUI
758 E HWY 26
RICHFIELD ID 83349

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00059H : IRRIGATION	04/01 to 10/31	4.66 CFS	692.0 AF
Right No. 37-00321 : IRRIGATION	04/01 to 10/31	3.00 CFS	692.0 AF
TOTAL:		7.66 CFS	692.0 AF

PRIORITY

Right No. 37-00059H : 05/27/1899
Right No. 37-00321 : 04/30/1884

	<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right No. 37-00059H :	BIG WOOD RIVER	MALAD RIVER
Right No. 37-00321 :	LITTLE WOOD RIVER	MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

Right No. 37-00059H : NESE , Sec. 30, Township 02S, Range 18E
BLAINE County
Injection NWSE , Sec. 25, Township 04S, Range 19E
Rediversion NESW , Sec. 13, Township 05S, Range 18E
Rediversion NENE , Sec. 23, Township 05S, Range 18E
LINCOLN County

Right No. 37-00321 : NESW , Sec. 13, Township 05S, Range 18E
NENE , Sec. 23, Township 05S, Range 18E
LINCOLN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	18E	14	SESW 3	NESE 4	NWSE 2	
			SWSE 26	SESE 33		68
		23	NENE 22	NWNE 30	SWNE 4	
			NENW 23	SWNW 6	SENW 20	105

TOTAL NUMBER OF ACRES IRRIGATED: 173

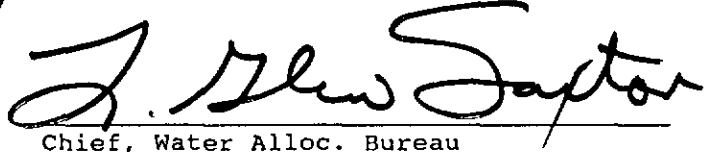
JUN 10 1994

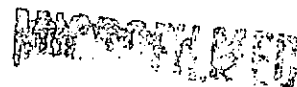
TRANSFER NO. 4172
WATER RIGHT NO(S). 37-00059H/37-00321

CONDITIONS/REMARKS:

1. These rights when combined with all other rights shall provide no more than 4.0 afa per acre for the lands above.
2. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. 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.
6. Use of water under Transfer No. 4172 will be regulated by the watermaster of State Water District No. 37, Big Wood River, and No. 37M, Little Wood River.
7. The total instantaneous diversion of water from all points of diversion/rediversion under Transfer No. 4172 shall not exceed 7.66 cfs.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from the point of injection into Little Wood River and all authorized points of diversion/rediversion from Little Wood River, which will allow the watermaster suitable control of these rights.
9. Two points of diversion/rediversion are located within NESW, S13, T05S, R18E.

Dated this 11th day of April, 1994


Chief, Water Alloc. Bureau



JUN 10 1994

37-G ✓

In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.

RECEIVED
JAN 31 1910
OFFICE OF STATE ENGINEER

S. C. Frost, et al.,

Plaintiffs,

vs.

Alturas Water Company, et al.,

Defendants.

DECREE.

This cause coming on to be heard this 6th day of October,
1909, upon the Report of F. J. Cowen, Referee heretofore appointed for
the purpose of taking the testimony and making recommendations as to Find-
ings of Fact, Conclusions of Law and Decree, to be entered herein, and the
said F. J. Cowen having filed his Report of the testimony taken, and his
recommendations as to Findings of Fact, Conclusions of Law, which have
heretofore been adopted, and the respective plaintiffs and defendants and
cross-complainants appearing herein by their respective counsel, and the
court being fully informed and advised in the premises, and having ordered
that judgment be entered in accordance with the Report and recommenda-
tions of the said Referee, Wherefore, by reason of the law and the Report
and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plai-
tiffs and defendants herein named, do have judgment respectively for

JUN 10 1994

MICROFILM

37 0300	Harness, David H.	C 10 inches.	118	June 1, 1886.	Corral Creek.
37 0301	" "	40	260	May 20, 1901.	Lansing Creek. - Trans #73
37 0302	Harrington, W. H.	B 100	187	June 1, 1891.	Big Wood River. TRANS #1916 2586
37 0303	Harris, Perry	B 80	207	Apr. 26, 1893.	Little Wood River. (Also shares in Little Wood River Canal Co.)
37 0304	Harris, Susannah	B 40	207	Apr. 22, 1893. Trans #847	Little Wood River. (Also shares in Little Wood River Canal Co.)
37 0305	Hartsough, Albert E.	B 120	158	June 30, 1888.	Breck's Creek and Little Silver Creek.
37 0306	Hartwell, Orville	B 50	148	Apr. 1, 1888.	Little Wood River.
37 0307	Heckerd, Adolph, and W.D. Scharff	A 80	138	June 10, 1887.	Big Wood River.
37 0308	Hendrick, E. H.	B 80	115	May 14, 1886.	Big Wood River. Trans #258
37 0309	Hershey, I. L.	C 160	58	June 2, 1883.	Soldier Creek. ✓
37 0310	Hewett, Henry	B 40	36	Mch. 24, 1883.	Big Wood River. TRANS #18 (From Riley ditch.)
37 0311	Higginson, Charles H.	B 90	70	Apr. 3, 1884.	Big Wood River.
37 0312	Higgs, Ben.	C 100	158	Aug. 31, 1888.	Soldier Creek.
37 0313	Higgs, John	C 280	147	May 1, 1888.	Willow Creek, a tributary of Upper Malad.
37 0314	" "	90	255	June 10, 1900.	Willow Creek.
37 0315	Hinesley, J. F.	B 100	102	June 1, 1885.	Big Wood River.
37 0316	Hoaks, Henry	160	370	Oct. 15, 1884.	" " "
37 0317	Hodgman, W. A.	B 150	28	June 14, 1883.	Silver Creek. Trans #499, #17
37 0318	Hodgman, Adelaide B.	B 180	54	June 14, 1883.	Trans #564 " Denver Hardware Co 1185-1
37 0319	" "	50	100	May 15, 1885.	" "
37 0320	Howard, Mrs. E.	B 120	217	June 1, 1894.	Little Wood River.
37 0321	Hughes, Patrick H.	150	72	Apr. 30, 1884.	" " " (Also shares in Big Cottonwood Canal Co.)
37 0322	Hughes, Thomas	B 80	289	Dec. 18, 1903.	Big Wood River.
37 0323	Hulstrom, Annie M.	C 150	136	June 1, 1887.	Soldier Creek. ✓
37 0324	" "	160	181	Nov. 22, 1890.	" "
37 0325	Hulstrom, John A.	C 240	181	Nov. 22, 1890.	" " Trans #682

2900

580

JUN 10 1984

-13-

950

RECEIVED

MAR 11 1976

Department of Water Resources

STATE of Idaho
County of Lincoln

I, Joy McClure Clerk of the District Court, and Ex-Officio Recorder in and for the County of Lincoln, State of Idaho, do hereby certify that the annexed is a full, true and correct copy of the original Findings of Fact & Conclusions of Law now on file in my office, as the same appears on the Records of said Lincoln County, State of Idaho in Book 7 at page 58.

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal this 10 day of Mar, A. D. 1976

Joy McClure, Auditor

Clerk - Ex-Officio Recorder

By Eugene Helmsley Deputy

In the District Court of the Fourth Judicial District
of the

State of Idaho, in and for the County of Lincoln.

S. C. Frost, et al.,

Plaintiffs,

vs.

Alturas Water Company, et al.,

Defendants.

Findings of Fact

and

Conclusions of Law.

1. That the Alturas Water Company, the Big Cottonwood Canal Company, the Big Wood River Reservoir & Canal Company, the Hailey Water & Power Company, the Idaho Electric Supply Company, the Idaho Consolidated Mines Company, the Kilpatrick Brothers Company, the Little Wood River Canal Company, Limited, the Little Wood River Swine Raising Company, the Mullins Canal & Reservoir Company, the Shoshone Light & Water Company, and the Utah & Idaho Improvement Company, are corporations, duly organized and existing by virtue of law, and as such are authorized to do business in the State of Idaho; and that the Village of Hailey and the Village of Shoshone are Municipal corporations, organized and existing under the laws of the State of Idaho.

2. That the following named plaintiffs and defendants, claimants of the use of water in said action, respectively, are the owners, in the possession and entitled to the possession of the following

MICROFILMED

Hoaks, Henry SW 1/4 of SE 1/4 of Sec. 12, and NW 1/4 of NE 1/4 of Sec. 13, T. 1 N., R. 18 E.

Hodgman, W. A. NE 1/4 of Sec. 31, T. 2 S., R. 21 E. ✓

Hodgman, Adelaide B. S 1/2 of NE 1/4 of Sec. 30, and SE 1/4 of Sec. 30, T. 2 S., R. 21 E., containing 240 acres.

Howard, Mrs. E. S 1/2 of SE 1/4 and NE 1/4 of SE 1/4 of Sec. 22, T. 1 S., R. 21 E., containing 120 acres.

(Hughes, Patrick H. SE 1/4 of SE 1/4 of Sec. 14, N 1/2 of NE 1/4 and NE 1/4 of NW 1/4 of Sec. 23, T. 5 S., R. 18 E., containing 160 acres. Also, SE 1/4 of NW 1/4 of Sec. 23, T. 5 S., R. 18 E., containing 40 acres.

Hughes, Thomas W 1/2 of SW 1/4 of Sec. 33, T. 2 S., R. 18 E., containing 80 acres.

Hulstrom, Annie M. NW 1/4 of Sec. 26 and NW 1/4 of Sec. 22, T. 1 S., R. 14 E., containing 320 acres.

Hulstrom, John A. W 1/2 of NE 1/4 of Sec. 26 and NE 1/4 of Sec. 27, T. 1 S., R. 14 E., containing 240 acres.

Hunter, John W. NW 1/4 of NW 1/4, S 1/2 of NW 1/4, and SW 1/4 of NE 1/4 of Sec. 26, T. 5 S., R. 16 E., containing 160 acres. Also, N 1/2 of NW 1/4 and SE 1/4 of NW 1/4 of Sec. 27, T. 5 S., R. 16 E., containing 120 acres. Also, W 1/2 of SE 1/4, NE 1/4 of SW 1/4, and SW 1/4 of NE 1/4 of Sec. 28, T. 5 S., R. 16 E., containing 160 acres. ✓

Idaho Consolidated
Mines Company

Beginning at a point on the North side of the Bellvue and Broadford road, on the East bank of Mabee Slough, thence Northwesterly, along the East bank of said slough, to the intersection of the center line of Sec. 26, T. 2 N., R. 18 E., thence North, along said center line,

MEMORANDUM

TO: FILE 37-00321

FROM: PAM SKAGGS^{CA}

RE: TRANSFER # 4172

DATE: 7-8-93

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Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 37-00059.

RECEIVED

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WR0749NP
No. T37-00321

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/24/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELSA ANCHUSTEGUI	04/30/1884	IRRIGATION	04-01 10-31	3.00 CFS	692.00 AFA
C	ALEX ANCHUSTEGUI					
	758 E HWY 26					
	RICHFIELD ID 83349					
	(208) 487-2171					
				TOTAL DIVERSION:	3.00 CFS	692.00 AFA

Water Source: LITTLE WOOD RIVER

Tributary to: MALAD RIVER

Stage: DECREED

Point(s) of Diversion: T05S R18E S13 NESW LINCOLN County
S23 NENE LINCOLN County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
05S	18E	14	:													03		04	02	26	33	68.0
05S	18E	23	:	22		30		04				23		06		20						105.0
																				TOTAL ACRES	173.0	

Pou County: LINCOLN

Other Water Rights with Same Point(s) of Diversion and Source:
37-00177D 37-00321

Other Water Rights Listing Overlapping Place(s) of use:
37-00321 T37-00059H

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
- R26 - This right when combined with all other rights shall provide no more than 4.0 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks: The total instantaneous diversion of water from all points of diversion under Right No. 37-00321 shall not exceed 3.0 cfs.
Two points of diversion are located within NESW, S13,T05S, R18E.

WR0749NP
No. T37-00321

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/24/94
PAGE: 2

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Dates: App. Received: 05/20/1993 Priority Date: 04/30/1884
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Comments: Date: 06/29/1993 User-ID: BALDWIN Subject: TRANSFER NO. 4172
Transfer No. 4172 was filed to add a point of diversion under
Right No. 37-00321 and points of rediversion under a part of
Right No. 37-00059E, splitting the right into parts G and H. The
diversion system under 37-00059H and the common place of use are
defined thru the transfer.

Audit: 06/29/93 BALDWIN 03/24/94 SKAGGS 03/24/94 SKAGGS