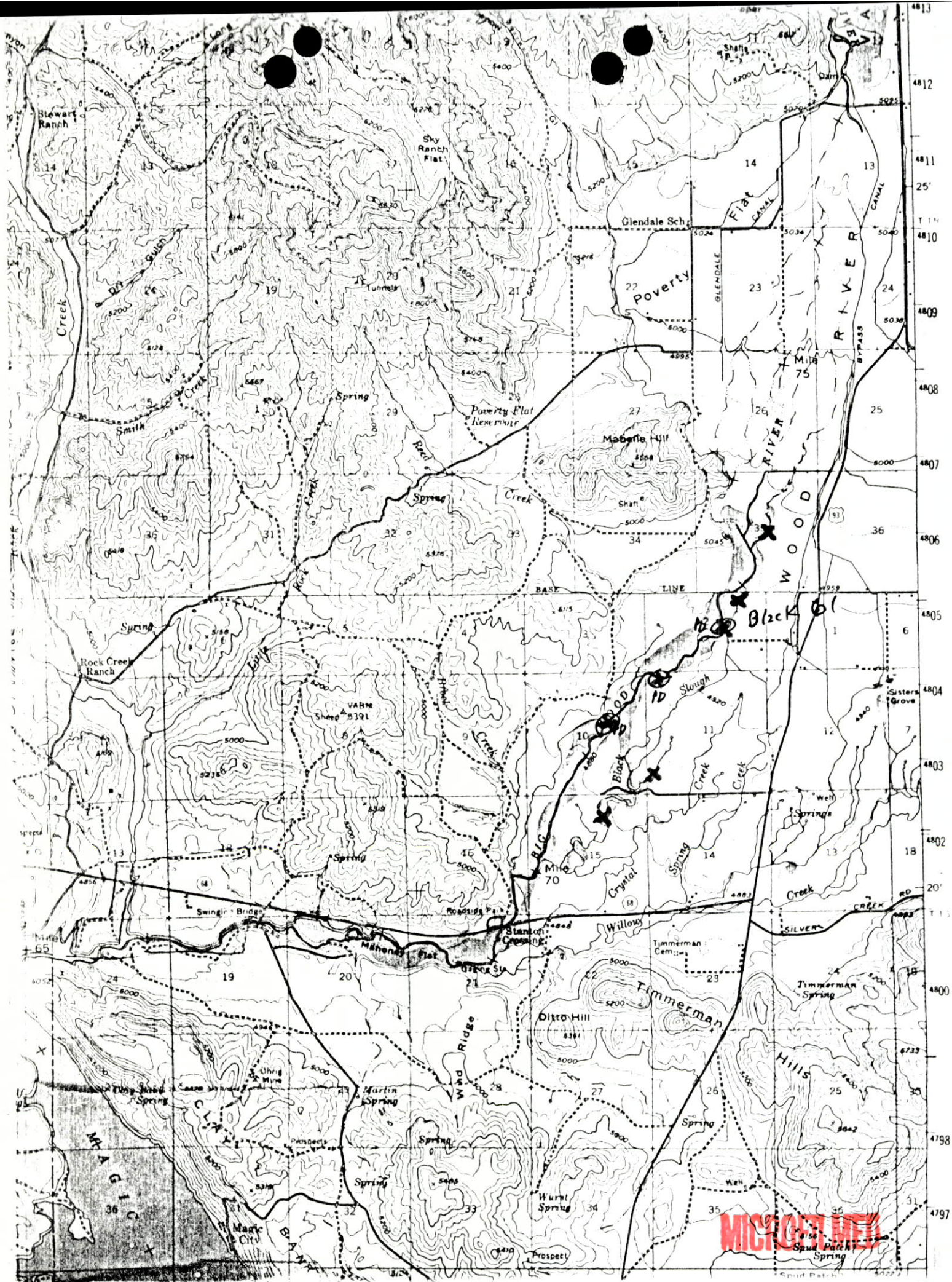




[illegible]

Total number of acres to be irrigated 160

- [illegible]

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Form No. 222 10/80
Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

Transfer No. 2973

Water Right No. 37-0230
37-0231
37-0232

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant E. Hadley Stuart, Jr. Phone 788-4002

Post Office address P.O. Box 186, Bellevue, Idaho, 83313

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

37-0230 thru 37-0232

a. Decree No. _____ Decreed to Robert T. Flood
(Name)

in case of S. C. Frost vs Alturas Water Company

dated in December 13, 1909 in Fourth District county of Blaine & Lincoln
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Thru purchase of lands to which rights have been traditionally used.

3. Source of water Big Wood River tributary to Malad River

4. Date of priority 37-0230:5-15-1883/37-0231:5-15-1883/37-0232:5-15-1884/37-0233:5-15-1888

5. Water is used for the following purposes:

* Not listed in Decree

37-0230 amount 4.00 cfs for Irrigation purposes from 4/1 to 11/1
37-0231 amount 2.40 cfs for Irrigation purposes from 4/1 to 11/1
37-0232 amount 1.60 cfs for Irrigation purposes from 4/1 to 11/1
(month/day — both dates inclusive)

6. Total amount of water under right: a. 8.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11

Township 1S Range 18E, R.M., in Blaine County

Additional points of diversion, if any NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T1S, R18E, R.M.

(Original P/D not listed in Decree) * NWSE Sec 2 T1S, R18E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	1NE%				1NW%				1SW%				1SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
1S	18E	15					40	40	40	40	40	40	40				40		320
			* Original Findings of Fact appear to have typo error and place of use resolved to be as indicated above.																

Total number of acres to be irrigated 320

9. Describe any other water rights used for the same purpose as described above 37-0233 (80" 5-15-1888)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

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

1. Amount of water: a. _____ cubic feet per second &/or 37-0232 4.00 cfs
b. _____ acre feet per annum 0231 0.40 cfs
0230 1.60 cfs
2. Point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11 Township 1S
Range 18E, B.M., Blaine County
Additional points (P/D also known as Black #61 generally described as the
NW
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T1S, R18E)
3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	18E	15					40	40	40	40									160

Total number of acres to be irrigated 160

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

1. General Information

- a. Amount of water to be diverted 6.0 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgates, canals and lateral ditches.
- c. Describe the reasons for the proposed changes Redistribution of water rights to
reflect existing pattern of usage.

2. Change in point of diversion

Point of diversion _____ $\frac{1}{4}$ Lot 1 $\frac{1}{4}$, Section 2 Township 1S

Range 18E, B.M., Blaine County

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2,
Additional points SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11;

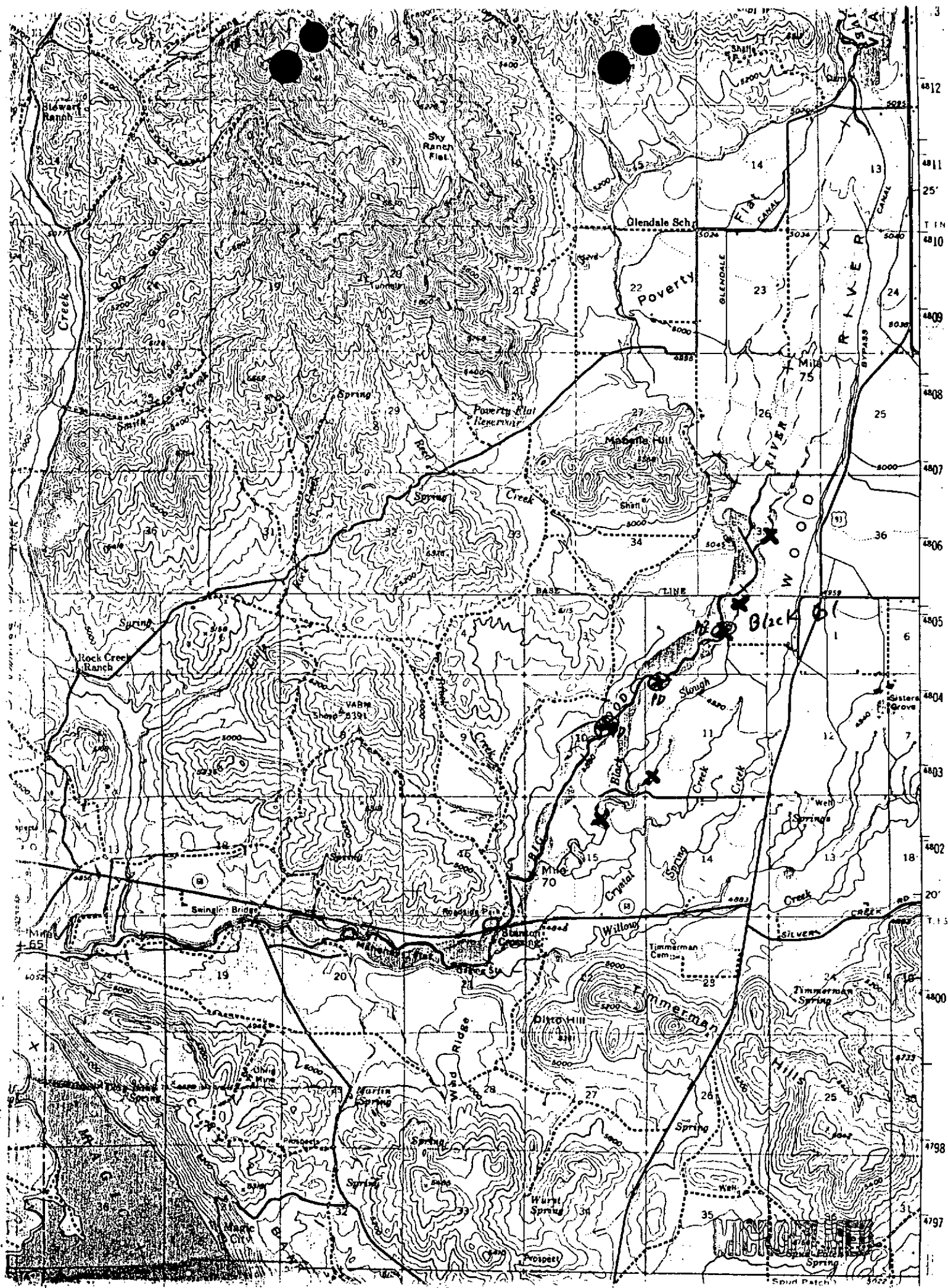
DW $\frac{1}{4}$ SE $\frac{1}{4}$
(Black 61)

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15; all in T1S, R18E and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, T1N, R18E,
Blaine County.

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

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

[illegible]

* Corrections made per phone conv.
with Sherl Chapman 11/8/83 ADm

Total number of acres to be irrigated 160

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

34 35 36

T
1
N

1-PD

1-PD

Lot 1

4 3 2 1

P/D

X-PD
(Black 61)

1-PD

9 10 11 12

T
1
S

20

23

1-PD

1-PD

29 19 9 28

32 15 14

16

R18E

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

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D. REMARKS This transfer application is based on historical usage as expressed by watermaster records prior to 1925. While the water delivered exceeds one (1) miner's inch per acre, the historical beneficial use should be honored. These soils are extremely porous in nature, being the flood plain of the Big Wood River. Additionally, water applied in excess of the consumptive requirement of crops enters the ground water system and returns to the Big Wood River within a few miles. This ranch is at the downstream end of the Big Wood River system therefore no other water rights will be injured by recognizing historical use and allowing the transfer.

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

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

E. Heasley Stewart
(Signature of Applicant)

Subscribed and sworn to before me this 19th day of October, 19 83.

Quito D. McMurdo
(Notary Public)

My commission expires

Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0230/0231B/0232 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this

3rd day of

September

19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by ADN

Date

10/24/83
11/12/82

Protest filed by None

Prelim. check by ADN

Fee

\$50.00

Receipted by mary z

Date

11/16/82 #23840

Published in wood river journal

Copies of protest forwarded by

Pub. dates 12/29/83 + 1/5/84

Hearing held by Date

Watermaster recommendation requested on 12/16/83

Recommended for approval denial

rec'd.

12/28/83

by ADN Jim

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Fator, John A. S 1/2 of NW 1/4 and N 1/2 of SW 1/4 of Sec. 22, T. 1 S., R. 20 E. Also, SW 1/4 of NW 1/4 of Sec. 20, T. 1 S., R. 20 E.

Finch, John and Ellen W 1/2 of NE 1/4 of Sec. 27, T. 1 N., R. 14 E., containing 80 acres. Also, SE 1/4 of Sec. 9, T. 1 N., R. 14 E., containing 160 acres.

Finney, William NE 1/4 of Sec. 15, T. 1 S., R. 14 E., containing 160 acres. E 1/2 of NE 1/4, SW 1/4 of NE 1/4 and SE 1/4 of NW 1/4 of Sec. 34, T. 1 N., R. 14 E., containing 160 acres. SE 1/4 of Sec. 4, T. 1 S., R. 14 E., containing 160 acres. Also a tract bounded as follows: Commencing at NW corner of SE 1/4 of Sec. 33, T. 1 N., R. 14 E., running thence E, along the N line of said quarter section, 128 rods, thence S 98 rods, thence W 128 rods, thence N to beginning, containing 78.4 acres. Also, SW ~~1/4~~ 1/4 of Sec. 34, T. 1 N., R. 14 E., containing 160 acres.

Fletcher, Andrew J. NW 1/4 of SE 1/4, SW 1/4 of NE 1/4, and S 1/2 of NW 1/4 of Sec. 35, T. 1 N., R. 12 E., the W 1/2 of SW 1/4 of Sec. 26, and N 1/2 of NW 1/4 of Sec. 35, T. 1 N., R. 12 E., -- 320 acres.

Flood, Robert T. The NW 1/4 of Sec. 15, NE 1/4 of SW 1/4, SW 1/4 of SE 1/4, and W 1/2 of NW 1/4 of Sec. 15, T. 1 S., R. 18 E., containing 320 acres.

Foster, Peter E 1/2 of SW 1/4, SW 1/4 of SW 1/4 of Sec. 13, T. 1 N., R. 18 E., containing 120 acres. Also, SW 1/4 of SE 1/4 of Sec. 13, N 1/2 of NE 1/4 and NW 1/4 of SE 1/4 of Sec. 24, T. 1 N., R. 18 E., containing 160 acres.

Freeman, John L. E 1/2 of NE 1/4, SW 1/4 of NE 1/4, and SE 1/4 of

37	0215✓	Fator, Fred. W., and Adam Ifland	320 inches.	June 15, 1899.	Silver Creek. Trans #76- —
37	0216✓	Fator, John A.	40 "	Apr. 1, 1885.	" " Trans #201
37	0217✓	" "	50 "	Apr. 1, 1887.	" " Trans #201
37	0218✓	" "	37 "	June 1, 1889.	" "
37	0219✓	" "	60 "	June 1, 1893.	" " Trans #201
37	0220✓	Finch, John and Ellen	80 "	June 30, 1883.	Soldier Creek.
37	0221✓	Do.	160 "	June 30, 1883.	" "
37	0222✓	Trans. #13 Finney, William	79 "	June 27, 1883.	" "
37	0223✓	" "	50 "	Oct. 25, 1883.	" "
37	0224✓	" "	160 "	June 15, 1884.	" "
37	0225✓	" "	75 "	June 1, 1886.	" "
37	0226✓	" "	50 "	June 1, 1887.	" "
37	0227✓	" "	110 "	June 1, 1889.	" "
37	0228✓	Fletcher, Andrew J.	100 "	June 1, 1883.	Chimney Creek.
37	0229✓	" "	100 "	June 1, 1884.	" "
37	0230✓	Flood, Robert T.	200 "	May 15, 1883.	Big Wood River.
37	0231✓	" "	120 "	May 15, 1883.	" " "
37	0232✓	" "	80 "	May 15, 1884.	" " "
37	0233✓	" "	80 "	May 15, 1888.	Crystal Creek.
37	0234✓	Foster, Peter	100 "	June 15, 1884.	Big Wood River. Trans #141?
37	0235✓	" "	100 "	June 15, 1883.	" " "
37	0236✓	" "	200 "	June 15, 1884.	" " "
37	0237✓	Trans. #900 Freeman, John L.	135 "	June 15, 1887.	Butte Creek, a tribu- #900 tary of Silver Creek.
37	0238✓	Frost, S. C.	140 "	Apr. 15, 1883.	Lower Malad River.
37	0239✓	" "	120 "	Aug. 29, 1884.	" " " } Trans #671 #965
37	0240✓	" "	160 "	June 1, 1895.	" " "
37	0241✓	Furcht, Irene A.	80 "	Dec. 17, 1907.	Big Wood River.
37	0242✓	Gardner, Walter	100 "	June 1, 1885.	Soldier Creek. ✓
37	0243✓	" "	150 "	June 1, 1888.	" "
37	0244✓	" "	133 "	June 1, 1898.	" "

01 WATER RIGHT NUMBER - 37-0232

02 OLD (D) NUMBER -

LAST NAME
03001 - FLOOD ✓
03002 - STUART, JR. ✓FIRST NAME
04001 - ROBERT T. ✓
04002 - E. HADLEY ✓ORIG. OWNER
05001 - D ✓
05002 - C ✓

06 ADD LINE 1 - P.O. BOX 186 ✓

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - BELLEVUE ✓

10 STATE - ID

11 ZIP - 833130000

12 STAGE - D DECREE

13 STATUS -

SOURCE
14001 - BIG WOOD RIVER ✓TRIBUTARY OF
15001 - MALAD RIVER ✓

16 DIVERSION MEANS -

17 COUNTY - 13 BLAINE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 1.600 ✓

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT - 37

TRACT	SEC	TWN	RNG	LOT	RFLG	ST	R	E	A	M	I	N	D	E	X	F	I	E	L	D	S
22001 -	23001 - 02 ✓	24001 - 01S ✓	25001 - 18E ✓	26001 - 01	27001 -																
				28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0.0	
22002 - NWSE ✓	23002 - 02 ✓	24002 - 01S	25002 - 18E	26002 -	27002 -																
				28002 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0.0	
22003 - NWNW ✓	23003 - 11 ✓	24003 - 01S	25003 - 18E	26003 -	27003 -																
				28003 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0.0	
22004 - NWNE ✓	23004 - 15 ✓	24004 - 01S	25004 - 18E	26004 -	27004 -																
				28004 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0.0	
22005 - SWNE ✓	23005 - 10 ✓	24005 - 01S	25005 - 18E	26005 -	27005 -																
				28005 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0.0	
22006 - SWSW ✓	23006 - 11 ✓	24006 - 01S	25006 - 18E	26006 -	27006 -																
				28006 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0.0	
22007 - NWSW ✓	23007 - 35 ✓	24007 - 01N ✓	25007 - 18E ✓	26007 -	27007 -																
				28007 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0.0	

29 NON-IRRIGATION USE -

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 01S ✓	32001 - 18E ✓	33001 - 15 ✓	34001 - NENW ✓	35001 - 09 ✓	36001 -
30002 - 01 IRRIGATION	31002 - 01S	32002 - 18E	33002 - 15 ✓	34002 - NWNW ✓	35002 - 19 ✓	36002 -
30003 - 01 IRRIGATION	31003 - 01S	32003 - 18E	33003 - 15 ✓	34003 - SWNW ✓	35003 - 32 ✓	36003 -
30004 - 01 IRRIGATION	31004 - 01S	32004 - 18E	33004 - 15 ✓	34004 - SENW ✓	35004 - 28 ✓	36004 -
30005 - 01 IRRIGATION	31005 - 01S	32005 - 18E	33005 - 10 ✓	34005 - NWSW ✓	35005 - 20 ✓	36005 -
30006 - 01 IRRIGATION	31006 - 01S	32006 - 18E	33006 - 10 ✓	34006 - SWSW ✓	35006 - 23 ✓	36006 -
30007 - 01 IRRIGATION	31007 - 01S	32007 - 18E	33007 - 16 ✓	34007 - NENE ✓	35007 - 29 ✓	36007 -

TOTAL ACRES: 160

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0401	38001 - 1101	39001 - 01 IRRIGATION ✓	40001 -	1.600	41001 - 0.00

WRR100
37-0232

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
14-NOV-1985 09:02:13

42 DECREE PLAINTIFF NAME - S. C. FROST, ET. AL.

43 DECREE DEFENDANT NAME - ALTURAS WATER COMPANY, ET. AL.

REMARKS
44001 - TRANS. 2973.

APPROVAL CONDITIONS: 45001 05 ✓
45002 01E ✓

46 OTHER RIGHTS FOR SAME USE -

----- D A T E S -----
47 PRIORITY - 15-MAY-1884
48 PROOF DUE -
49 PROOF MADE -
50 APPROVE/DENIED -
51 PROTESTED -
52 HEARING -
53 VERIFIED -
54 LAST UPDATE - 13-NOV-1985

----- D A T E S -----
55 LICENSE -
56 APPL RECEIVED -
57 FIELD EXAM MADE -
58 DECREE - 13-DEC-1909
59 START WORK -
60 ORDER SHOW CAUSE -
61 DATE_1 -
62 DATE_2 -

----- F L A G S -----
63 TRANSFER/AMENDED - T
64 DLE/CAREY ACT -
65 FLAG_1 -
66 FLAG_2 -
67 FLAG_3 -

INTER-DEPARTMENT MEMO — 1

DATE 5/7/84

FROM Sharla

TO Files 37-0231 & 37-0232

SUBJECT Transfer No. 2973

See file 37-0230 for all correspondence regarding the above referenced transfer.

MICROFILMED

SIGNATURE