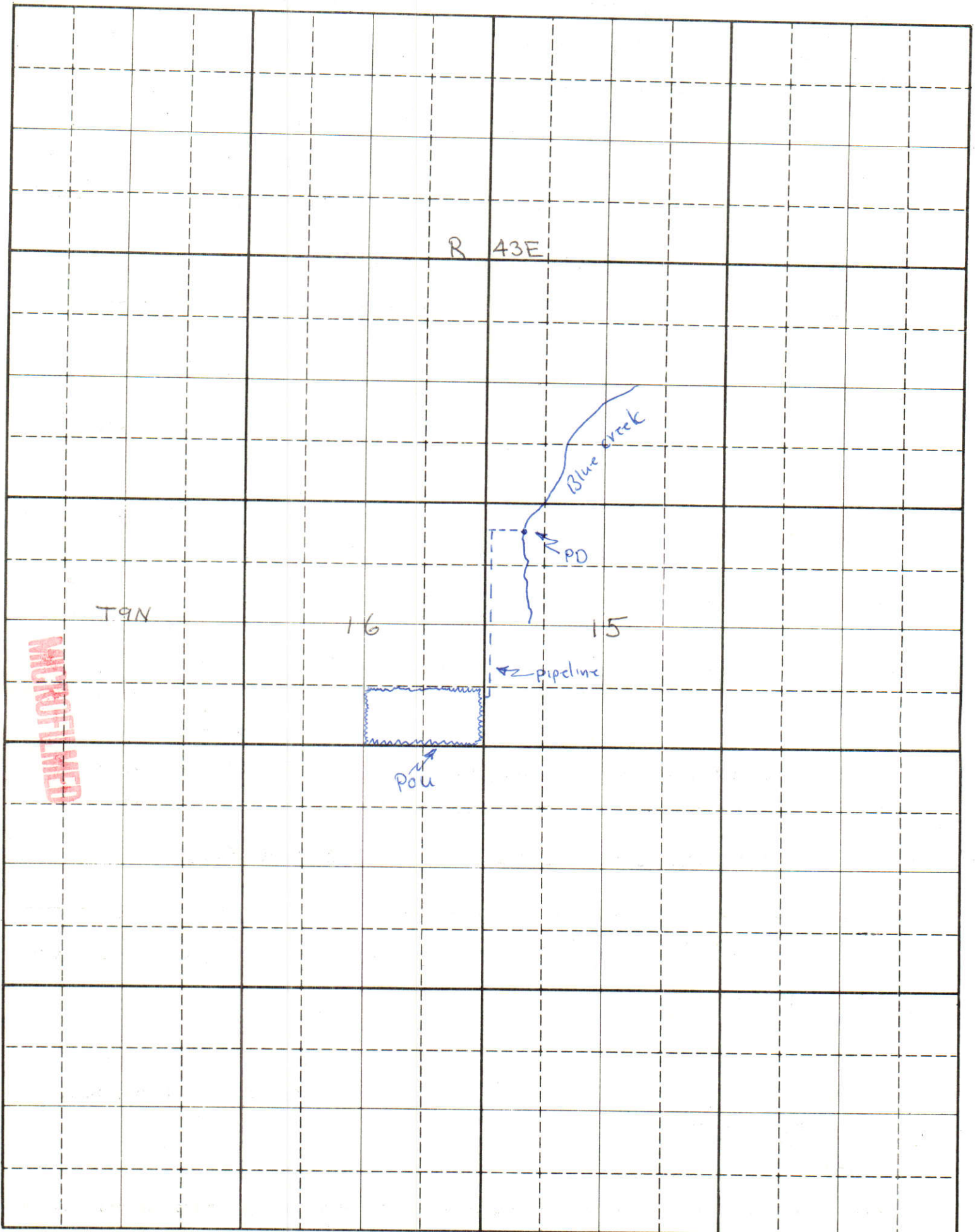


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessey

being first duly sworn, upon ~~his~~^{her} oath, deposes and says:

That ~~she~~ is the ~~editor~~^{her} of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of ~~Notice~~^{Proposed Change of Water Right}.

*Proposed Change of
Water Right
#21-2034 (Howell)*

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for ~~2~~² consecutive issues thereof; first publication

having been made on the ~~2~~².....

day of *April*....., 19*81*,

and the last publication on the

9.....day of *April*.....

19*81*..

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey
Subscribed in my presence and

sworn to before me this *14th*.....

day of *April*.....,

19*81*....

Linda Sheldon

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
~~St. Anthony, Idaho.~~
Ashton

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 21-2034

Notice is hereby given that Forrest Howell, Ashton, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Blue Creek tributary to Henry's Fork Snake River. The right sought to be changed is evidenced by License No. 21-2034 and is recorded as follows:

Amount: 1.6 CFS

Priority Date: January 18, 1909

Point of Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E. Fremont County.

The water is used to irrigate 80 acres from April 1 to November 1 within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 16, T. 9N, R. 43E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 9N, R. 43E, Fremont County.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83401, on or before April 20, 1981.

C. STEPHEN ALLRED
Director

Publ. April 2 and 9, 1981AH

RECEIVED

APR 15 1981

Department of Water Resources
Eastern District Office

RECEIVED
AUG - 3 1910
OFFICE OF STATE ENGINEER

RECORDED

4591



7 p.m. R. 43 E. 8 N.

Sealed

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SMITH, HANCOCK & MOSS

Attorneys at Law

MARY SMITH
J. D. HANCOCK
BRENT J. MOSS
W. LLOYD ADAMS (1885-1969)

30 SOUTH 2nd WEST
REXBURG, IDAHO 83440
PHONE 208-356-5493

April 9, 1981

MICROFILMED

Mr. Ron Carlson
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

I am enclosing herewith Protest of the
Fremont-Madison Irrigation District on the following
applications:

No. 21-2012, Forrest Howell
No. 21-2034, Forrest Howell
No. 22-7349, Elvin &/or Lois McCulloch.

Kindest regards,

Mary Smith
Mary Smith

rs

Enclosures

RECEIVED

APR 13 1981

Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION :
OF FORREST HOWELL, NUMBER 21-2034 :
TO CHANGE THE POINT OF DIVERSION OF : PROTEST OF THE FREMONT-
1.6 CFS OF WATER FROM BLUE CREEK : MADISON IRRIGATION
TRIBUTARY TO HENRY'S FORK SNAKE : DISTRICT.
RIVER TO NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 10, TOWN- :
SHIP 9 NORTH, RANGE 43 E., FREMONT :
COUNTY. :

Comes now the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to notice given that Forrest Howell, Ashton, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of 1.6 CFS priority date January 18, 1908, of the waters of Blue Creek tributary to Henry's Fork Snake River from the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 6 North, Range 43 E.B.M., to within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 9 North, Range 43 E.B.M., and makes the following Protest against the approval of such application:

1. That the proposed diversion will reduce the quantity of water under existing water rights.
2. That the supply of water in Blue Creek is not sufficient to warrant a change of the point of diversion.
3. That the application for said permit is made for speculative purposes.
4. That such diversion will conflict with local public interest.


James Max Mortensen, Chairman
Board of Directors of the Fremont-
Madison Irrigation District.

RECEIVED

APR 13 1981

Department of Water Resources
Eastern District Office

STATE OF IDAHO,)
 (SS
County of Madison.)

JAMES MAX MORTENSEN, being first duly sworn, says that he is the Chairman of the Board of Directors of the Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

James Max Mortensen

Subscribed and sworn to before me this 8th day of April, 1981.

Mary Smith
Notary Public, residing at
Rexburg, Idaho. My commission
expires: Life.

(Seal)

RECEIVED

APR 13 1981

Department of Water Resources
Eastern District Office

April 3, 1981

Director, IDWR Dept. of Water Resources.

150 Shoup Ave

IDWR File ID 83401

I hereby protest Transfer Nos. 21-2012 and 21-2034.

These Transfer applications should not be approved. because the file No 21-2034 has been abandoned and is no longer in use. The priority date of Jan 18, 1969. The file No 21-2012 should not be approved because the water is not available at the new point of diversion and will cause injury to my water right.

J. V. Vary a cherry

Box 472 Ashton ID
83420 652-3357

RECEIVED

APR 3 1981

Department of Water Resources
Eastern District Office

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

Name of applicant Forrest Howell Phone 652-3511
652-3320
Post office address Box 602, Ashton, ID 83420

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 21-2034 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
Purchased property that right is appurtenant to. Copy of proof of ownership attached.
3. Source of water Blue Creek tributary to Henry's Fork Snake River
4. Date of priority 1/18/1909
5. Water is used for the following purposes:
amount 1.6 cfs for irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)
6. Total amount of water under right: a. 1.6 cubic feet per second
b. _____ &/or
acre feet per annum
7. Location of original point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10
Township 9N Range 43E, B.M., in Fremont County
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9N	43E	16															40	40	80

Total number of acres to be irrigated 80

9. Describe any other water rights used for the same purposes as described above none

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

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

3. Place of use:

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

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

1. Change in point of diversion
- a. Amount of water to be diverted 1.6 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NW ¼ NW ¼, Section 15 Township 9N
Range 43E, B.M., Fremont County _____
Additional points _____
- c. Description of diverting works 125 HP pump to handlines.
- d. Describe the reasons for applying for a change in the point(s) of diversion Gets point of diversion closer to place of use.

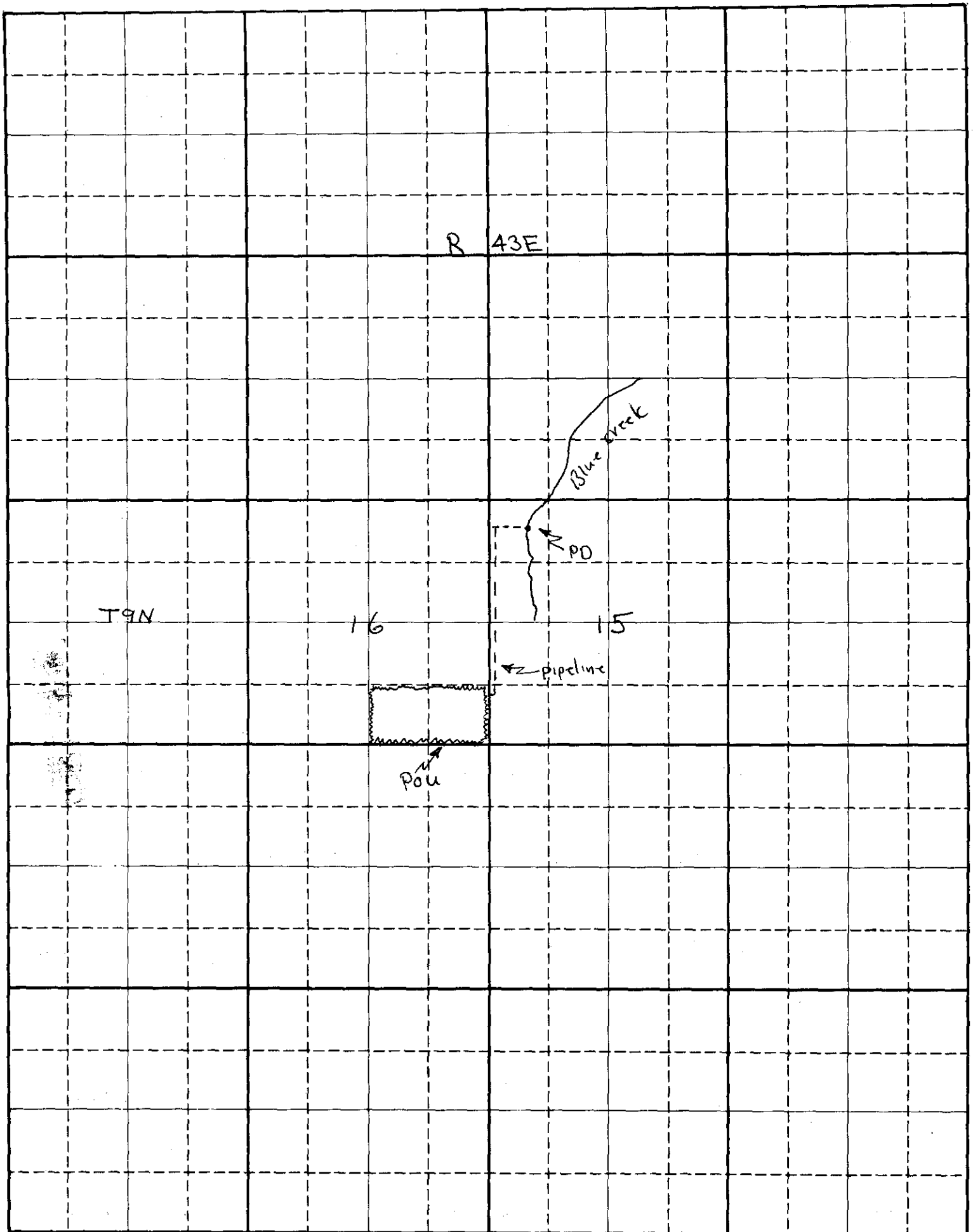
2. Change in place of use NO CHANGE

- a. Describe the lands or place of use to which the right will be transferred:

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

Total number of acres to be irrigated _____

3. 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.



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

4. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 17th day of March, 1981.
Harold Howell
(Signature of applicant)

James E. Holcomb
(Notary public)

My commission expires 5/8/83

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

FOR DEPARTMENT USE ONLY

Received by <u>kw</u>	Date <u>3/20/81</u>	Protest filed by _____
Prelim. check by <u>JK</u>	Fee <u>50.00</u> <u>3/23/81</u>	_____
Receipted by <u>kw</u>	Date <u>3/26/81</u> # <u>17131</u>	_____
Published in <u>Ashton Herald</u>	Copies of protest forwarded by _____	_____
Pub. dates <u>4/02 & 4/09/81</u>	Hearing held by _____ Date _____	_____
Watermaster recommendation requested on _____	Recommended for <u>WITHDRAWN</u> approval _____ denial _____	_____
_____ rec'd. _____	by <u>EMC</u>	_____

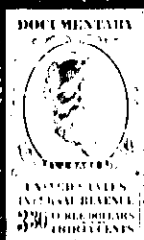
BOOK 72 PAGE 541
Know All Men by these Presents, That

THE ALLIANCE TRUST COMPANY, LIMITED
a corporation duly organized and existing under the laws of Great Britain, having its principal office at Dundee, Scotland, Grantor, in consideration of Ten and no/100 (\$10.00) Dollars and other valuable ~~considerations~~ to it paid by **FORREST HOWELL and LOUISE HOWELL, his wife**

of the County of **Fremont** State of **Idaho**
has bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto said

Forrest Howell and Louise Howell heirs and assigns, Grantees all of the following described real property situated in the County of **Fremont** and State of **Idaho**, to-wit:

The West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) and the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Fifteen (15) and the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Sixteen (16) and all that portion of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-One (21) lying and being North of the North Fork of the Snake River, containing twenty acres, more or less, all in Township Nine (9) North, Range Forty-three (43) East of the Boise Meridian, containing 260 acres more or less; excepting and reserving unto the Grantor, its successors and assigns, one-half of all the oil, gas and minerals and/or the rights thereto, in, on and under the above described lands.



together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion or reversions, remainder or remainders, rents issues and profits thereof, and all estate, right, title and interest in and to the same, as well in law as in equity, of the said Grantor.

TO HAVE AND TO HOLD, all and singular, the above described and granted premises unto the said Grantee^s, and to their heirs and assigns forever.

And **The Alliance Trust Company, Limited** grantor above named, does covenant to and with

Forrest Howell and Louise Howell

the above named grantees their heirs and assigns that it will, and its successors and assigns, shall warrant and defend the above granted premises, and every part and parcel thereof, against the acts and deeds of said grantor, and all persons claiming by, from, through or under the said grantor unto the said grantee heirs and assigns forever, subject to 1954 and subsequent taxes and assessments

In Witness Whereof, The Grantor, herein has caused its corporate name to be hereunto subscribed by and through its duly constituted and appointed attorney in fact, this 6th day of June A.D. 1963,
Executed in Presence of

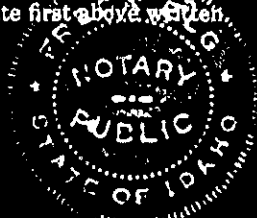
THE ALLIANCE TRUST COMPANY, LIMITED [Seal]

By *John Boyle* [Seal]
Its Attorney in Fact.

IDAHO
STATE OF ~~MISSOURI~~ } ss.
County of ~~COCKS~~ }
Bonneville

On this 6th day of June 1963, before me, the undersigned, a Notary Public in and for said County and State, personally appeared *John Boyle* known to me to be the person whose name is subscribed to the within instrument as the Attorney in Fact of **The Alliance Trust Company, Limited**, and acknowledged to me that he subscribed the name of **The Alliance Trust Company, Limited** thereto as principal, and his own name as Attorney in Fact.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Freda Notary Public.
Residing at Idaho Falls, Idaho
My Commission expires June 15, 1964

300054

Appd

SPECIAL WARRANTY

To

STATE OF *Idaho*
County of *Shoshone* } ss.

I certify that the within instrument of writing was received for record on the 19 day of *June* A.D. 1965, at 3:30'clock P. M., and recorded on page 54 in Book # 72 Records of Deeds of said County.

Witness my hand and seal of County affixed.

W. M. White

By *Therick Bird*
1850 Deputy.

RECORDED

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessy

being first duly sworn, upon ^{her} oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of

Proposed Change of
Water Right
#21-2034 (Nowell)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication

having been made on the 2

day of April, 1981,

and the last publication on the

9 day of April

1981.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessy
Subscribed in my presence and

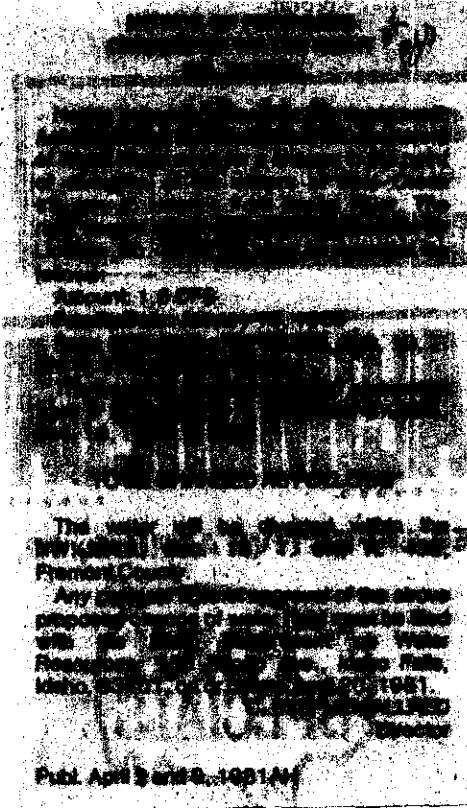
sworn to before me this 14

day of April,

1981.

Jinda Shildon

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.
Ashton



RECEIVED

APR 15 1981

Department of Water Resources
Eastern District Office

Fremont County *
Blue Creek *
1.6 second feet *
Irrigation and domestic *
Priority 1-18-1909 *

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

Water License No. 4291

WHEREAS, On the 18th day of January, A.D. 1909, JOSEPH H. EGBERT, of Marysville, County of Fremont, State of Idaho, duly made application (No. 6101) to me for a permit to use 1.6 cubic feet per second of the waters of Blue Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 18th day of January, A.D. 1909, Permit No. 4291, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 18th day of January, A.D. 1910, and for the application to beneficial use of said water on or before the 18th day of January, A.D. 1910, and,

WHEREAS, On the 18th day of January, A.D. 1910, JOSEPH H. EGBERT, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.6 cubic feet per second of said waters, as evidenced by my Certificate No. 4291, dated September 3, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.6 cubic feet per second of the waters of Blue Creek, with date of priority of January 18, 1909, and

WHEREAS, On the 18th day of January, A.D. 1910, JOSEPH H. EGBERT, the holder of said permit duly made proof of the application to beneficial use of 1.6 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOSEPH H. EGBERT, of Marysville, County of Fremont, State of Idaho, the holder and owner of said Permit No. 4291, a perpetual right, dating from January 18, 1909, to the use of 1.6 cubic feet per second of the waters of Blue Creek, in the County of Fremont, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the northeast quarter of southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 10, Township 9 North of Range 43 East of the Boise Meridian. and conducted to and upon (80 acres in the south half of southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 16, township 9 North of Range 43 East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this third day of September,
A.D. Nineteen hundred and ten.

(SEAL)

Recorded September 3, 1910

D.G.Martin

State Engineer

No. 6101.

21-2034

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Joseph H. Egbert.

- Postoffice address: Marysville

County: Fremont State: Idaho.

2. The quantity of water claimed is $1 \frac{3}{5}$ cubic feet per second.

3. Source of water supply: Blue creek.

County of Fremont.

4. Location of point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10 Twp. 9 N. R. 43 E.

5. To be used for: Irrigation.

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 80 acres.

(b) In the following legal subdivisions: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16 T. 9 N. R. 43 E. B. M.

6. Estimated cost of works: \$200.00/100

7. Description of works for diversion:

I. Kind of works: Earth work enlarging ditch of Emaline Egbert.

II. Dimensions of works:

(d) Conduit ditch, width at bottom 4 feet, width at water line 5 feet, depth of water $1 \frac{1}{2}$ feet. Length of conduit is $1 \frac{1}{2}$ miles, and it crosses the following quarter sections: SW $\frac{1}{4}$ Sec. 10 NW $\frac{1}{4}$ Sec. 15 SE $\frac{1}{4}$ Sec. 16 T. 9 N. R. 43 E. to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is 1 year.

9. Time required for the complete application of the water to the proposed use is no additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Joseph H. Egbert.

Applicant.

APPROVAL OF STATE ENGINEER.

The number of this permit is 4291.

Date of first receipt of application 2.25 p.m. January 18, 1909.

Recorded in Book 12 Page 4291 Approved January 18, 1909.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before March 19, 1909, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 18, 1909.

The whole of said work to be completed on or before January 18, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to January 18, 1910.

Witness my hand this eighteenth day of January, 1909..

Jas. Stephenson, Jr.,

State Engineer.

Blank notice for proof of completion and beneficial use of water mailed applicant October 1, 1909
Notice received November 27, 1909, fixing January 18, 1910, as date and Ashton as place of proof.
Notice for publication mailed Ashton Enterprise, December 1, 1909
Deposition blanks mailed F.X. Dolenty, December 1, 1909
J.O. Webster, authorized December 1, 1909, to make examination of works.
Depositions, affidavit of publication and fees received February 17, 1910
Report of water commissioner received August 3, 1910.
Certificate and License issued September 3, 1910.

Permit No. 4291

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that JOSEPH H. NEGBERT, of Marysville, County of Fremont, and State of Idaho, the holder of Permit No. 4291, issued upon Application No. 6101, bearing date of priority of January 18, 1909, authorizing the diversion of 1.6 second feet of the waters of Blue Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.6 second feet of the waters of Blue Creek, that the point of diversion of said waters is at a point in the northeast quarter of southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 10, township 9 North of Range 43 East of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: South half of southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 16, township 9 North of Range 43 East of the Boise Meridian.

Witness my hand this third day of September, A.D. 1910.

D.G. Martin

State Engineer of the State of Idaho

License issued for 1.6 second feet

Page 676

July 26, 1983

RE: Application for Transfer No. 21-2012 and 21-2034

Mr. Forrest Howell
Box 602
Ashton, ID 83420

Dear Mr. Howell:

This is to acknowledge receipt of your withdrawal of the above referenced applications for transfers. The Department will, therefore, take no further action in this matter and has taken steps necessary to void the applications in our files.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

July 26, 1983

RE: Application for Transfer No. 21-2012 and 21-2034
FORREST HOWELL

LaVar A. Cherry
Box 472
Ashton, Idaho 83420

Dear Mr. Cherry:

This letter is to advise you that Mr. Forrest Howell has withdrawn the above referenced applications. The Department will, therefore, take no further action in this matter and has taken steps necessary to void the applications in our files.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

July 26, 1983

RE: Application for Transfer No. 21-2012 and 21-2034
FORREST HOWELL

Fremont Madison Irrigation District
P.O.Box 5
St. Anthony, ID 83445

Gentlemen:

This letter is to advise you that Mr. Forrest Howell has withdrawn the above referenced applications. The Department will, therefore, take no further action in this matter and has taken steps necessary to void the applications in our files.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Mary Smith, Attorney

Ashton, Idaho
July 18, 1983

Dept of Water Resources
Eastern Dist. Office
150 Shoup - Idaho Falls, Id.

Dear Ron Carlson -

I wish to withdraw the
application for transfer for the
two water rights nos. 212012 and
212034.

Garret Haywell
Ashton, Idaho

RECEIVED

JUL 19 1983

Department of Water Resources
Eastern District Office

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUT AVE.
SAVANNAH, GA 31401Indicate type of mail
☐ Registered
☐ Insured
☐ C.O.D.
☒ CertifiedI certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

1	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S. D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	13071	John Brown 101000 St. Louis, Mo.	21	75				60				21-0136157
2	13072	John Brown 101000 St. Louis, Mo.										21-0136157
3	13073	John Brown 101000 St. Louis, Mo.										21-0136157
4	13074	John Brown 101000 St. Louis, Mo.										21-0136157
5	13075	John Brown 101000 St. Louis, Mo.										21-0136157
6	13076	John Brown 101000 St. Louis, Mo.										21-0136157
7	13077	John Brown 101000 St. Louis, Mo.										21-0136157
8	13078	John Brown 101000 St. Louis, Mo.										21-0136157
9	13079	John Brown 101000 St. Louis, Mo.										21-0136157
10	13080	John Brown 101000 St. Louis, Mo.										21-0136157
11	13081	John Brown 101000 St. Louis, Mo.										21-0136157
12	13082	John Brown 101000 St. Louis, Mo.										21-0136157
13	13083	John Brown 101000 St. Louis, Mo.										21-0136157
14	13084	John Brown 101000 St. Louis, Mo.										21-0136157
15	13085	John Brown 101000 St. Louis, Mo.										21-0136157
TOTAL NUMBER OF PIECES LISTED BY SENDER		15	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		15	POSTMASTER PER (Name of receiving employee)		A. B. B.				

POOR QUALITY ORIGINAL

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for C.O.D. and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

DEPARTMENT OF WATER RESOURCES

NAME AND ADDRESS OF SENDER

EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ CertifiedI certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

1 No	2 NUMBER OF ARTICLE	3 NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	4 POSTAGE	5 FEE	6 Handling Charge	7 Actual Value (if Registered)	8 DUE SENDER IF C.O.D.	9 R. R. FEE	10 S. D. FEE	11 S. H. FEE	12 POST DEL. FEE	13 REMARKS
1	2086	Mr. [unclear] [unclear] [unclear]	20	75								
2	2086	Field Station, Rt 2, Col 227, [unclear]										
3	2088	Paul Johnson, Rt 1, Col 227, [unclear]										
4	2089	Paul Johnson, Rt 1, Col 227, [unclear]										
5	2091	Michael Smith, [unclear] [unclear] [unclear]										
6	2092	Mr. [unclear] Rt 1, Col 227, [unclear]										
7	2093	Michael Smith, [unclear] [unclear] [unclear]										
8	2094	Paul Johnson, [unclear] [unclear] [unclear]										
9	2095	Paul Johnson, [unclear] [unclear] [unclear]										
10	2096	Paul Johnson, [unclear] [unclear] [unclear]										
11	2097	Paul Johnson, [unclear] [unclear] [unclear]										
12	2098	Paul Johnson, [unclear] [unclear] [unclear]										
13	2099	Paul Johnson, [unclear] [unclear] [unclear]										
14	2100	Paul Johnson, [unclear] [unclear] [unclear]										
15	2101	Paul Johnson, [unclear] [unclear] [unclear]										
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.		POOR QUALITY ORIGINAL		21-2032		

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U.S. GOVERNMENT PRINTING OFFICE: 1979-301-994

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 CHOUX AVE.
BETHLEHEM, PA. 18010Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ CertifiedI certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
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DECLARATION OF VALUE
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DEPARTMENT OF WATER RESOURCES

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IDAHO FALLS, IDAHO 83401Indicate type of mail:
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1	Postmaster, 2510 2nd St. Auburn	23	95							51-2012/34
2	Postmaster, 2510 2nd St. Auburn									34-7092
3	Postmaster, 2510 2nd St. Auburn									34-7092
4	Postmaster, 2510 2nd St. Auburn									
5	Postmaster, 2510 2nd St. Auburn									
6	Postmaster, 2510 2nd St. Auburn									
7	Postmaster, 2510 2nd St. Auburn									
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14	Postmaster, 2510 2nd St. Auburn									
15	Postmaster, 2510 2nd St. Auburn									



MICROFILMED

POOR QUALITY ORIGINAL

TOTAL NUMBER OF PIECES LISTED BY SENDER

6

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

6

POSTMASTER, PER (Name of receiving employee)

A. Butler

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September 29, 1982

RE: Application for Transfer 21-2034 and 21-2012 FORREST HOWELL

RECEIVED
SEP 30 1982

Ray Rigby
Attorney at Law
25 North 2nd East
Rexburg, ID 83440

Dear Mr. Rigby:

On October 26, 1981, you requested postponement of a hearing scheduled for consideration of the protest against the above captioned applications on the grounds that your client, Mr. Howell, could pursue an agreement with the protestants and also amend the applications. Since we have not heard from you or your client, we are wondering if Mr. Howell is still interested in these applications. To keep our files current we would appreciate being advised, at your earliest convenience, of the progress which has been made to resolve the protest and the approximate date your client will initiate amending these applications.

As always feel free to contact our office if you have any questions concerning this matter.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

CONVERSATION MEMORANDUM

DATE

October 26, 1981

FILE

21-2012 & 21-2034

NAME OF PARTY Ray Rigby, Attorney at LawEMPLOYEE Ernie Carlsen *me*

RE: Mr. Rigby called this a.m. to advise us that he has been engaged
to represent Mr. Howell in the matter of application for transfer
No. 21-2012 and 21-2034. As agent for the applicant, Mr. Rigby,
requested that the scheduled hearing be cancelled to allow additional
time for pursuing an agreement with the protestants, and to amend
the applications.

I expressed to Mr. Rigby that we would initiate the necessary
procedure for cancellation based on our telecon, provided he submit
a written request for the same to be included in the file.

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST
APPROVAL OF APPLICATIONS FOR TRANSFER
NO. 21-2012 AND 21-2034 IN THE NAME
OF FORREST HOWELL

NOTICE OF CANCELLATION

Notice is hereby given that the Department of Water Resources has cancelled the conference and/or hearing concerning the above referenced applications scheduled for Tuesday, October 27, 1981, at 1:00 p.m. in the Fremont County Courthouse, St. Anthony, Idaho. The Department has cancelled this matter at the request of the applicant's attorney, Ray W. Rigby.

The Department will reschedule the conference and/or hearing in the near future, at which time all interest parties will again be notified.

DATED this 26th day of October, 1981.

Ernest Carlson

ERNEST CARLSEN

Assistant Regional Supervisor

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 21-2034 AND 21-2012 IN THE NAME OF)
FORREST HOWELL)

COMBINED
NOTICE OF HEARING
AND/OR CONFERENCE

On March 20, 1981, Forrest Howell filed with the Department of Water Resources two applications to transfer the public waters of the State of Idaho. On April 3, 1981, the Department received a protest against approval of said application from LaVar A. Cherry. On April 13, 1981, an additional protest was received from Mary Smith, Attorney at Law, in behalf of Fremont-Madison Irrigation District.

The Department has set the matter of protest for hearing for Tuesday, October 27, 1981, at 1:00 p.m. in the Courtroom of the Fremont County Courthouse, St. Anthony, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

In accordance with Idaho Code, Section 42-222, the following issues are involved in the consideration of the applications and protest(s):

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

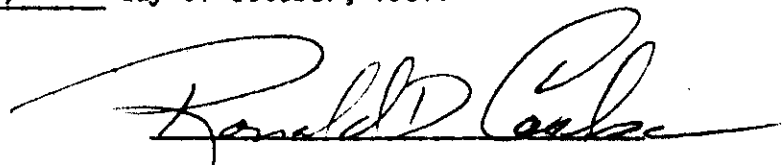
MICROFILMED

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 9th day of October, 1981.


Regional Supervisor

October 16, 1981

Ms. Betty Hill
Fremont County Courthouse
St. Anthony, ID 83445

Dear Ms. Hill:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Tuesday, October 27, 1981, at 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

DEPARTMENT OF WATER RESOURCES

NAME AND ADDRESS OF SENDER

EASTERN DISTRICT OFFICE
150 SHOUF AVE.
IDAHO FALLS, IDAHO 83401Indicate type of mail
☐ Registered
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1	12780	Wick, James, George, Sr.																18	75							22-2139		
2	12781	Thompson, Stephen, Jr.																								"		
3	12782	Shaw, Ray, George, Jr.																								"		
4	12783	Shaw, Ray, George, Jr.																								"		
5	12784	Shaw, Ray, George, Jr.																								"		
6	12785	Shaw, Ray, George, Jr.																								"		
7	12786	Shaw, Ray, George, Jr.																								"		
8	12787	Shaw, Ray, George, Jr.																								"		
9	12788	Shaw, Ray, George, Jr.																								"		
10	12789	Shaw, Ray, George, Jr.																								"		
11	12790	Shaw, Ray, George, Jr.																								"		
12	12791	Shaw, Ray, George, Jr.																								"		
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POSTMASTER, PER (Name of receiving employee)

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1979-301-994

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RECEIVED
MAY 1980

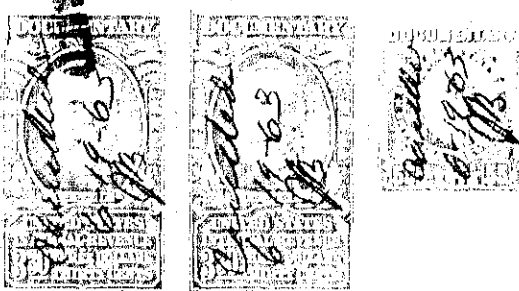
THE ALLIANCE TRUST COMPANY, LIMITED
a corporation duly organized and existing under the laws of Great Britain, having its principal office at Dundee, Scotland, Grantor, in consideration of Ten and no/100 (\$10.00) Dollars and other valuable ~~XXXXXX~~, to it paid by **FORREST HOWELL and LOUISE HOWELL, his wife** considerations

of the County of **Fremont** State of **Idaho**
has bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto said

Forrest Howell and Louise Howell heirs and assigns, Grantees all of the following described real property situated in the County of **Fremont** and State of **Idaho**, to-wit:

The West Half of the Southwest Quarter ($W\frac{1}{2} SW\frac{1}{4}$) and the West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$) of Section Fifteen (15) and the South Half of the Southeast Quarter ($S\frac{1}{2} SE\frac{1}{4}$) of Section Sixteen (16) and all that portion of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty-One (21) lying and being North of the North Fork of the Snake River, containing twenty acres, more or less, all in Township Nine (9) North, Range Forty-three (43) East of the Boise Meridian, containing 260 acres more or less; excepting and reserving unto the Grantor, its successors and assigns, one-half of all the oil, gas and minerals and/or the rights thereto, in, on and under the above described lands.

IMPORTED



together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion or reversions, remainder or remainders, rents issues and profits thereof, and all estate, right, title and interest in and to the same, as well in law as in equity, of the said Grantor.

TO HAVE AND TO HOLD, all and singular, the above described and granted premises unto the said Grantee^s, and to their heirs and assigns forever.

And **The Alliance Trust Company, Limited** grantor above named, does covenant to and with

Forrest Howell and Louise Howell

the above named grantees their heirs and assigns that it will, and its successors and assigns, shall warrant and defend the above granted premises, and every part and parcel thereof, against the acts and deeds of said grantor, and all persons claiming by, from, through or under the said grantor unto the said grantee heirs and assigns forever, subject to 1954 and subsequent taxes and assessments

In Witness Whereof, The Grantor, herein has caused its corporate name to be hereunto subscribed by and through its duly constituted and appointed attorney in fact, this 6th day of June A.D. 1963,

Executed in Presence of

THE ALLIANCE TRUST COMPANY, LIMITED [Seal]

By *Gordon Boyle* [Seal]
Its Attorney in Fact.

IDAHO
STATE OF ~~OREGON~~ } ss.
County of ~~CLATSOP~~
Bonneville

On this 6th day of June 1963 before me, the undersigned, a Notary Public in and for said County and State, personally appeared ~~Reade M. Moore~~ **Gordon Boyle** known to me to be the person whose name is subscribed to the within instrument as the Attorney in Fact of **The Alliance Trust Company, Limited**, and acknowledged to me that he subscribed the name of **The Alliance Trust Company, Limited** thereto as principal, and his own name as Attorney in Fact.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Freda E. [unclear]
Notary Public.
Residing at Idaho Falls, Idaho
My Commission expires June 15, 1964

opinion of whether or not past
keeping notes provide sufficient proof
of ownership for Dept. to consider transfer.

Jo Brenan -

L. A. HARTERT & COMPANY
REALTORS

JENNIE E. ROGERS BUILDING

REAL ESTATE MORTGAGES INSURANCE

IDAHO FALLS, IDAHO

December 16, 1948

Boise Water

337, 4440
4440

6489-Strong
6761-Bird

Mr. Forrest Howell
Ashton, Idaho

Dear Forrest:

We are enclosing your signed copy of the lease on the above properties. Following is a copy of that part of the letter from Mr. Ireland having to do with the water rights on the Bird place. From this information it would appear that there is a water right.

"In going through the abstract we find the following references to water rights -

20 "State Engineer to Joseph H. Egbert, dated Jan. 18, 1909. Permits said Joseph Egbert to claim and use 1-3/5 cubic feet per second of the waters of Blue Creek, in Fremont County, Idaho, diverted from the NE 1/4 SW 1/4 Section 10, Township 9 North, Range 43 E.B.M. and for use on the S 1/2 SE 1/4 of Section 16, Township 9 North, Range 43 E.B.M.

"State Engineer to Emmaline Egbert, Dated April 7, 1906 shows- that Emmaline Egbert, of Marysville, Fremont County, Idaho is entitled to a perpetual water right from Blue Creek, in Fremont County, Idaho, to the extent of 1.2 cubic feet per second of time for use on W 1/2 SW 1/4 and W 1/2 NW 1/4 of Section 15, Township 9 North, Range 43 E.B.M.

"State Engineer to Emmaline Egbert dated July 24, 1906 Application No. 1483 made on July 25, 1905 for permit to use 3.1 cubic feet per second of the waters of Blue Creek for irrigation and domestic purposes. Permit 1071 issued Feb. 3, 1905 for the diversion of said water and providing for the completion of the works of diversion therein described on Feb. 3, 1907. December 2, 1905 the holder of said permit made proof of the completion of adequate works for the diversion of 3.1 cubic feet per second of the said waters, as evidenced by cert. 1971 dated April 7, 1906 confirming the completion of works of sufficient capacity for diverting and conveying to place of intended use 3.1 cubic feet per second of the water with a date of priority Jan. 25, 1905. June 1, 1906 proof was duly made of the application to beneficial use of 1.9 cubic feet per seconds of said water.

I do hereby grant, and confirm to Emmaline Egbert of Marysville, the holder and owner of permit 1071, a perpetual right dating from Jan. 25, 1905 to the use of 1.9 cubic feet per second of the waters of Blue Creek for irri-

RECORDED

POOF QUALITY

Fremont County
Blue Creek
1.6 second feet
Irrigation and domestic
Priority 1-18-1909

POOR QUALITY ORIGINAL

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

Water License No. 4291

WHEREAS, On the 18th day of January, A.D. 1909, JOSEPH H. EGBERT, of Marysville, County of Fremont, State of Idaho, duly made application (No. 5101) to me for a permit to use 1.6 cubic feet per second of the waters of Blue Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 18th day of January, A.D. 1909, Permit No. 4291, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 18th day of January, A.D. 1910, and for the application to beneficial use of said water on or before the 1st day of January, A.D. 1910, and,

WHEREAS, On the 18th day of January, A.D. 1910, JOSEPH H. EGBERT, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.6 cubic feet per second of said waters, as evidenced by my Certificate No. 4292, dated September 3, 1910, confirming the completion of works of sufficient amount, for diverting and conveying to the place of intended use 1.6 cubic feet per second of the waters of Blue Creek, with date of priority of January 18, 1909, and

WHEREAS, On the 18th day of January, A.D. 1910, JOSEPH H. EGBERT, the holder of said permit duly made proof of the application to beneficial use of 1.6 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOSEPH H. EGBERT, of Marysville, County of Fremont, State of Idaho, the holder and owner of said Permit No. 4291, a perpetual right, dating from January 18, 1909, to the use of 1.6 cubic feet per second of the waters of Blue Creek, in the County of Fremont, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the northeast quarter of southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 10, Township 9 North of Range 43 East of the Boise Meridian, and connected to and upon 80 acres in the south half of southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 10, township 9 North of Range 43 East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral to which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this third day of September, A.D. Nineteen hundred and ten.

(SEAL)

Recorded September 3, 1910

D.G. Martin

State Engineer

POOR QUALITY ORIGINAL

21 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: JK

1. Right number 21-2034 Applicant Forrest Howell
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments OK
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) None
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 01

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 3/31 Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* WITHDRAWN as per letter dated 7-18-1983

4. By Ernest Carlson Date 7-26-83

Identification No. 21-2034

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald Carlson, watermaster of Snake River,
of Water District No. 01, County of Bonneville, State of Idaho,
whose address is 150 Shoup,
have read the attached copy of the application for transfer of water right for
Forrest Howell, and to the best of my knowledge believe the
(name)
application to be true.

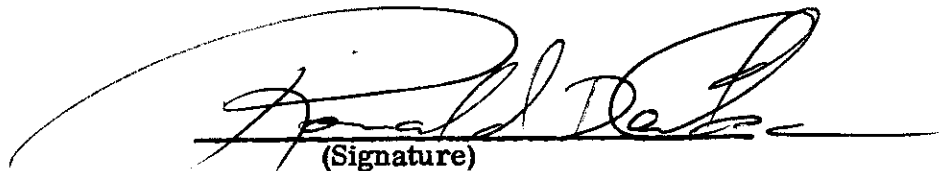
A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: Watermaster records

do not support use of this
right for many years

Dated at Idaho Falls, Idaho, this 28th day of April, 1981.


(Signature)

MICROFILMED

150 Shoup Ave. -----

525-7161

April 27, 1981

RE: Applications for Transfer of Water Right Nos. 21-2034 & 21-2012

Forrest Howell
Box 602
Ashton, ID 83420

Dear Mr. Howell:

Enclosed herewith are copies of additional protests received against the approval of the above mentioned applications.

Sincerely,

KAY WALKER
Secretary

KW:k
Enclosures

Fremont Madison Irrigation District
P.O. Box 5
St. Anthony, Idaho 83420

April 22, 1981

RE: Applications for Permits No. 21-2034, 21-2012, and 22-7349

Fremont Madison Irrigation District
P.O. Box 5
St. Anthony, Idaho 83420

Gentlemen:

Your protest against the approval of the above referenced applications has been received and a copy has been sent to the applicants. The Department suggests you contact the applicants directly in an effort to determine what is proposed by the application and to attempt to resolve the protests.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

The items that can be considered in either approving or denying an application for transfer are:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

April 13, 1981

RE: Application for Transfer No. 21-2012 and 21-2034

Forrest Howell
Box 602
Ashton, Idaho 83420

Dear Mr. Howell:

Enclosed please find a copy of the protest filed against the above referenced applications. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at an proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

April 13, 1981

RE: Application for Transfer No. 21-2012 & 21-2034 FORREST HOWELL

LaVar A. Cherry
Box 472
Ashton, Idaho 83420

Dear Mr. Cherry:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 21-2034

Notice is hereby given that Forrest Howell, Ashton, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Blue Creek tributary to Henry's Fork Snake River. The right sought to be changed is evidenced by License No. 21-2034 and is recorded as follows:

AMOUNT: 1.6 cfs

PRIORITY: January 18, 1909

POINT OF DIVERSION: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E, Fremont County.

The water is used to irrigate 80 acres from April 1 to November 1 within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 16, T. 9N, R. 43E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 9N, R. 43E, Fremont County.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83401, on or before April 20, 1981.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald 4/02 and 4/09/81.

Report of Engineer

1. State name of applicant and number of permit: Joseph H. Egbert - Permit 4291
2. State source of water supply: Blue creek
3. Location of point of diversion: NE 1/4 SW 1/4 Sec. 10, Tp. 9 N., R. 43 E. B. M.

4. State whether or not the works of diversion are *fully* completed and in accordance with terms of permit: Yes.

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 4 feet
- (b) Width at water line: 5 "
- (c) Depth of water: 1 foot
- (d) Grade per mile: 25 feet

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Ditches in good condition about 2 feet of water in ditch at this time. much more has been used early in season

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

forty acre tract: S. 1/2 of SE 1/4 Sec. 16, Tp. 9 N. R. 43 E. B. M.
all under cultivation except about 3 acres of stony land in NW corner of SE 1/4 Sec. 9.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: I think this a good proof and the man entitled to all the water asked for.

J. O. Webster
Water Comm.

1st Div.

STATE OF IDAHO,

County of _____

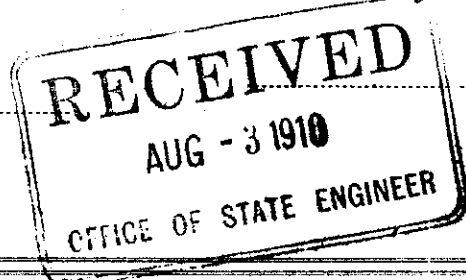
} ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 190_____.

My Commission Expires _____

Notary Public.



4291

MICROFILMED

UNRECORDED

SEC.

1⁶ SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

4 SEC.

SEC.

1⁶ SEC.

1⁵ SEC.

SEC.

SEC.

SEC.

4 SEC.

SEC.

10 SEC.

SEC.

RECEIVED

AUG - 3 1910

OFFICE OF STATE ENGINEER

769.48 R. 43 E. 36 N.

Blue Creek

113 11