

FEB 26 2004

Transfer No. 71081

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOURCES
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant DICKEY LIVESTOCK INC Phone 208-588-3118

Name of Applicant DICKSON, E. J.
Post Office address 5915 HWY 93 MACKAY, IDAHO 83251

A. PURPOSE OF TRANSFER

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

- ☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes MORE EFFICIENT DELIVERY OF WATER.

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

- | 1. <u>Right Number</u> | <u>Priority</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|------------------------|-----------------|---------------------------|----------------------|------------------------------------|
| <u>34-567</u> | <u>5-1-1905</u> | <u>.8</u> | <u>IRRIGATION</u> | <u>MAY 1ST</u> to <u>OCT. 15TH</u> |
| <u>34-568</u> | <u>6-1-1910</u> | <u>.8</u> | <u>IRRIGATION</u> | <u>MAY 1ST</u> to <u>OCT. 15TH</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |

2. Total amount of water being transferred 1.6 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water BIG LOST RIVER tributary to _____

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres 430

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6. General Information:

a. Description of diversion system HEAD GATE & WIERS

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes SEE ENCLOSED DOCUMENTS No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NO CHANGE

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____

For the Director

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 34-567

Priority Date: 05/01/1905
Origin: Water Right
Basis: Decreed
Status: Active

Source: BIG LOST RIVER **Tributary to:** SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01 10/15	0.80 CFS		
	Total Diversion	0.80 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER NENESE 08N 21E 1 CUSTER

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	
09N 22E 28			40.0					40.0	38.0		37.0				40.0		195.0
09N 22E 29																39.0	39.0
09N 22E 32	40.0	39.0		40.0													119.0
09N 22E 33						39.0	38.0										77.0

Total Acres: 430

Conditions/Remarks:

- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.20 CFS.
COMBINED RIGHT NOS: 34-07187, 34-00156, 34-00566 AND 34-00568.
- WATER DELIVERED THROUGH INGRAM DITCH.
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 430 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS: 34-07187, 34-00156, 34-00566 AND 34-00568. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
- THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 71081
Receipt No. _____

Current Water Right No. 34-567

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? YES

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer NO CHANGE

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? NO

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 34-568

Priority Date: 06/01/1910

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER

Tributary to: SINKS

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	5/01	10/15	0.80 CFS		
Total Diversion			0.80 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER NENESE 08N 21E 1 CUSTER

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	
09N	22E	28			40.0					40.0	38.0		37.0			40.0			195.0
09N	22E	29															39.0		39.0
09N	22E	32	40.0	39.0		40.0													119.0
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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
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Transfer No. 71081
Receipt No. _____

Current Water Right No. 34-568

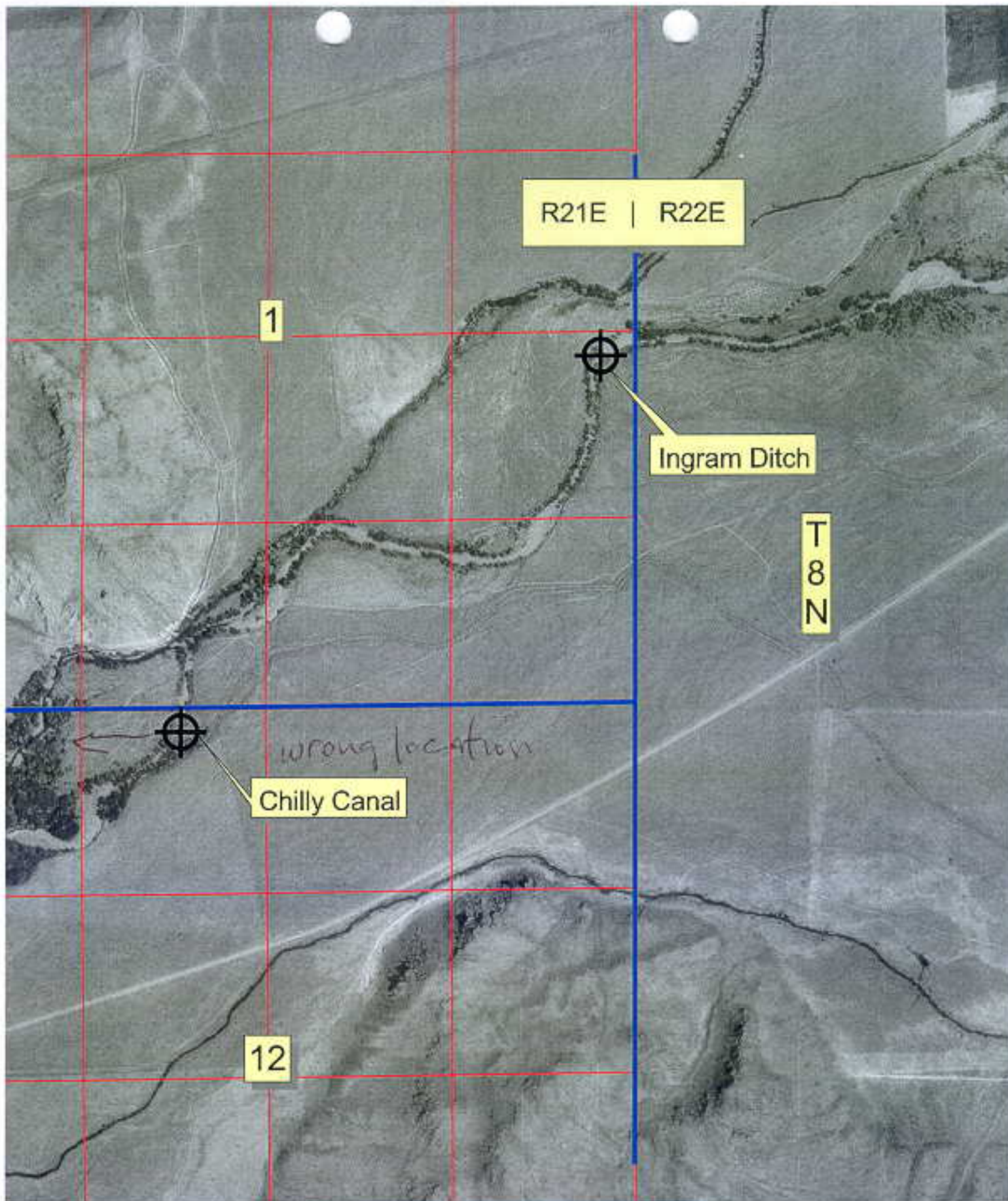
Documentation of Ownership of the Current Place of Use

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chilly location is
NE NW NW 12

POINTS OF DIVERSION

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PART 3

E. CHANGES IN NATURE OF USE

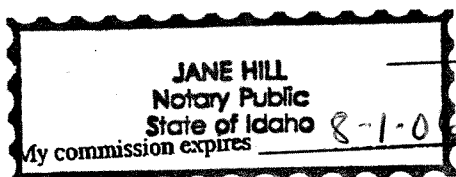
- | | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|---|--------------------------|------------------------|----------------------|
| 1. | | | | to _____
to _____ |
| 2. | Quantity and quality of return flows and location of discharge:

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

_____ | | | |

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 25th day of February, 2004



Jane Hill
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments
Received by 2/26/04 DC Date _____ Protest filed by _____
Prelim. Check by DC Fee _____
Received by DC Date 2/26/04 EO29565
Published in Challis Messenger Copies of protest forwarded by _____
Pub. Dates _____ Hearing held by _____ Date _____
Watermaster recommendations requested on 2/25/04 Recommended for ☒ approval ☐ denial
_____ received 2/25/04 by RR

Copy of transfer sent to lien holder _____

T71081

DEED

020 64

FOR VALUE RECEIVED, MORGAN HAROLDSSEN LAND AND LIVESTOCK CO., INC., an Idaho Corporation,
a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant,
Bargain, Sell and Convey unto DICKY LIVESTOCK, INC., an Idaho Corporation,

grantee whose current address is Star Route, Mackay, ID 83251,

the following described real estate, to-wit:

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO,
more particularly described as follows:

Section 28: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 32: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, except that part deeded for road purposes.
Section 33: W $\frac{1}{2}$ NW $\frac{1}{4}$.

TOGETHER WITH ALL water and water rights and ditches and ditch rights.

SUBJECT HOWEVER TO:

General taxes for the year 1993, which are a lien, payable on or before December 20 of said year.

Mortgage dated June 19, 1978, from Morgan Haroldsen Land and Livestock Company, Inc. a Corporation; Morgan C. Haroldsen, unmarried, Dale L. Haroldsen, unmarried, to the Federal Land Bank of Spokane, A Corporation, as instrument No. 147071 and related Financing Statements of record.

Memorandum agreement and Lease recorded March 15, 1993, as instrument No. 203761, records of Custer County, Idaho.

All easements and right of way of record and those appearing on the ground.

Reserving and Excepting to Grantor 50% of all mineral rights.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee
its heirs and assigns forever

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 1st day of September, 1993.

MORGAN HAROLDSSEN LAND AND LIVESTOCK CO.
INC., an Idaho Corporation,

By

Morgan C. Haroldsen
PRESIDENT.

ATTEST:

Sarahbeth N. Haroldsen

SECRETARY.

STATE OF IDAHO, COUNTY OF CUSTER

On this 1st day of September, 1993,
before me, a Notary Public in and for said State, personally appeared MORGAN C. HAROLDSSEN and SARABETH N. HAROLDSSEN, known to me to be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Patricia R. Ridd
Notary Public
Residing at Challis, Idaho
Comm. Expires 3/12/98

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of Custer County Title

at 20 minutes past 4 o'clock P.M.,
this 2nd day of September, 1993, in my office, and duly recorded in Book of Deeds at Page

Ethel M. Peck
Ex-Officio Recorder

By

Wanda J. Murphy
Deputy.

Fees \$ 3.00
Mail to:



NORTHWEST

FARM CREDIT SERVICES

217 North Second Street East
P.O. Box 157
Rexburg, Idaho 83440
(208) 656-2100 / Fax (208) 656-2102

February 19, 2004

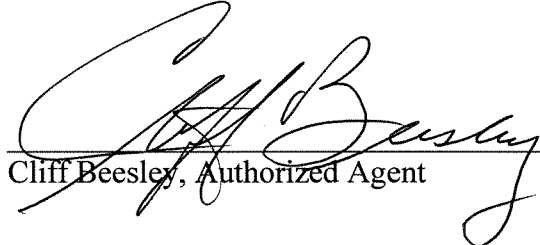
To Whom It May Concern:

As Lienholder of the

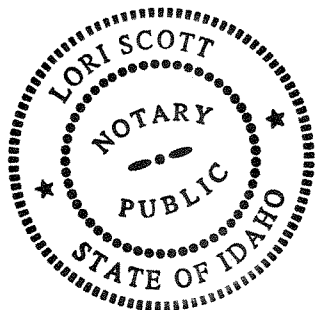
Mortgage dated May 23, 1994 and executed by Dickey Livestock, Inc., an Idaho corporation; Gordon Fulton, unmarried; Margery Fulton-Smith, unmarried, recorded on June 13, 1994, as Instrument No. 206587, in the records of Custer County, State of Idaho

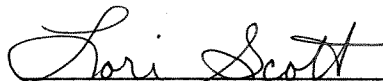
we have no objection to The Application for Transfer of Water – Add diversion points, to add diversion from both the Chilley Canal and the Ingram Ditch.

Lender: Northwest Farm Credit Services, ACA


Cliff Beesley, Authorized Agent

On February 19, 2004 before me personally appeared Cliff Beesley, known to me to be an authorized agent of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he was authorized to execute said instrument.




Lori Scott
Notary Public for the State of Idaho
Residing at Rigby
My commission expires October 26, 2004