

OCT 02 2003

Page 1

Department of Water Resources
Southern Region

Transfer No. 70454

Receipt No. 5026160

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information CUSTER COUNTY ROAD AND BRIDGE
CUSTER COUNTY COURTHOUSE
CHALLIS ID 83226

Will this transfer result in an ownership change? _____ Yes ___X___ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
72-117C	WR/Decreed	0.09		2.0	.5	GARDEN CREEK
72-117A	WR/Decreed	0.04		.9	.4	GARDEN CREEK
72-117B	WR/Decreed	0.04		.7	.5	GARDEN CREEK
72-117D	WR/Decreed	0.01				GARDEN CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
72-117C	NO	YES	NO	NO	NO	NO
72-117A	NO	YES	NO	NO	NO	NO
72-117B	NO	YES	NO	NO	NO	NO
72-117D	NO	YES	NO	NO	NO	NO

Describe the reason for the proposed changes

The Lower Bradbury Ditch currently creates a maintenance and safety problem for Custer County Road and Bridge Department. The transfer seeks to move all water rights solely associated with this ditch to the Upper Bradbury Ditch. The rights can still be delivered with the upper ditch and the lower ditch can be closed or abandoned. The county has obtained agreement for this change with all water right holders and land users involved. Other rights associated with the Lower Bradbury Ditch include 72-48, 72-51B, 72-51L and 72-51N. These rights already list the Upper Bradbury Ditch as a point of diversion so they have not been included in the transfer, realizing that the lower ditch although listed as a point of diversion will be abandoned.

4. FOR CHANGES IN NATURE OF USE ONLY**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

Does not apply.

B. Describe the effects on other water uses resulting from the proposed change

Does not apply

Page 2

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
72-117C	0.09 cfs	.5	2.0	
72-117A	0.04 cfs	.4	.9	
72-117B	0.04 cfs	.5	.7	
72-117D	0.01 cfs			
TOTAL	0.18 cfs			

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Southern Region

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.

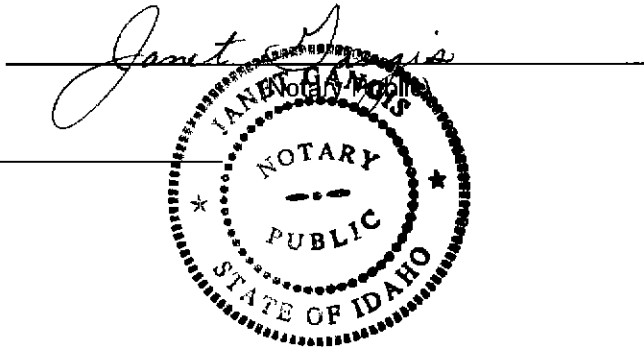
James L. Saylor
(Signature of Applicant)

Curtis C. Ross Bridge Supervisor
(Title or Office)

Subscribed and sworn to before me this 25th day of September, 2003.

My commission expires

4/30/04



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Department of Water Resources
Customs Branch

Transfer No. 70454

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

Current Water Right No. 72-117C

Priority Date: May 15, 1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: GARDEN CREEK**Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.09 CFS		
	Total Diversion	0.09 CFS		

Source and Point(s) of Diversion:

GARDEN CREEK NENWNW Sec. 32 Twp 14N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N 19E 32				.3													.3
14N 19E 33							1.7										1.7

Total Acres: 2

Conditions/Remarks:

1. 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.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.50 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. PROPERTY IS ALSO KNOWN AS LOTS 2, 4, 6, & 8 BLOCK 75; AND LOTS 2, 4, 6, & 8 BLOCK 76; AND ADJACENT PARTS OF 6TH STREET AND SOUTH AVE.
WATER IS DELIVERED THROUGH LOWER BRADBURY DITCH.
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 72-00048, 72-00051B, 72-00051L, 72-00051N, 72-00117A, 72-00117B, 72-00117C, AND 72-00117D.

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Southern Region

Page 5

4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Does not apply

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

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Does not apply

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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Southern Region

Transfer No. 70454

Receipt No. _____

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

Current Water Right No. 72-117A**Priority Date:** May 15, 1884**Origin:** Water Right**Basis:** Decreed**Status:** Active**RECEIVED****OCT 02 2003**Department of Water Resources
Southern Region**Source:** GARDEN CREEK**Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.04 CFS		
	Total Diversion	0.04 CFS		

Source and Point(s) of Diversion:

GARDEN CREEK NENWNW Sec. 32 Twp 14N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N	19E	32				.9													.9

Total Acres: 0.9

Conditions/Remarks:

1. 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.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. WATER IS DELIVERED THROUGH LOWER BRADBURY DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 4,6,8,A,B,& C, BLK 74, WITHIN THE CITY OF CHALLIS.
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 72-00048, 72-00051B, 72-00051L, 72-00051N, 72-00117A, 72-00117B, 72-00117C, AND 72-00117D.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Page 7

Documentation of Ownership of the Current Place of Use

Does not apply

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

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Does not apply.

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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Southern Region

Transfer No. 70454

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

Current Water Right No. 72-117B

Priority Date: May 15, 1884
Origin: Water Right
Basis: Decreed
Status: Active

RECEIVED**OCT 02 2003**Department of Water Resources
Southern Region**Source:** GARDEN CREEK**Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.04 CFS		
	Total Diversion	0.04 CFS		

Source and Point(s) of Diversion:

GARDEN CREEK NENWNW Sec. 32 Twp 14N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N 19E 32				.7													.7

Total Acres: 0.7

Conditions/Remarks:

1. 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.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.50 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. PROPERTY IS ALSO KNOWN AS LOTS 2,4,6, & 8 BLK 73, IN THE CITY OF CHALLIS. WATER IS DELIVERED THROUGH THE LOWER BRADBURY DITCH. THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 72-00048, 72-00051B, 72-00051L, 72-00051N, 72-00117A, 72-00117B, 72-00117C, AND 72-00117D.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Page 9

Documentation of Ownership of the Current Place of Use

Does not apply

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

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Does not apply.

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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Department of Water Resources
Southern Region

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

Current Water Right No. 72-117D

Priority Date: May 15, 1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: GARDEN CREEK

Tributary: SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	4/15 10/15	0.01 CFS		
	Total Diversion	0.01 CFS		

Source and Point(s) of Diversion:

GARDEN CREEK NENWNW Sec. 32 Twp 14N Rge 19E CUSTER County

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PROPERTY IS ALSO KNOWN AS LOT 2 & TRACT 1194, BLK 74, CITY OF CHALLIS. WATER IS DELIVERED THROUGH THE LOWER BRADBURY DITCH.

Documentation of Ownership of the Current Place of Use

Does not apply

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

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Does not apply.

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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Southern Region

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 72-117C

Priority Date: May 15, 1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: GARDEN CREEK**Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.09 CFS		
	Total Diversion	0.09 CFS		

Source and Point(s) of Diversion:

GARDEN CREEK NWNWNW Sec. 32 Twp 14N Rge 19E CUSTER County

Describe the proposed diversion system

Point of Diversion # 1 HEADGATE FROM CREEK TO DITCH (Upper Bradbury Diversion A0002509)

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	
14N 19E 32				.3													.3
14N 19E 33							1.7										1.7

Total Acres: 2

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Southern Region

Transfer No. 70454

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 72-117A**Priority Date:** May 15, 1884**Origin:** Water Right**Basis:** Decreed**Status:** Active**Source:** GARDEN CREEK**Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.04 CFS		
	Total Diversion	0.04 CFS		

Source and Point(s) of Diversion:

GARDEN CREEK NWNWNW Sec. 32 Twp 14N Rge 19E CUSTER County

Describe the proposed diversion system

Point of Diversion # 1 HEADGATE FROM CREEK TO DITCH (Upper Bradbury Diversion A0002509)

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	
14N	19E	32				.9													.9

Total Acres: 0.9

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Southern Region

Transfer No. 70454

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 72-117B

Priority Date: May 15, 1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: GARDEN CREEK**Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.04 CFS		
	Total Diversion	0.04 CFS		

Source and Point(s) of Diversion:

GARDEN CREEK NWNWNW Sec. 32 Twp 14N Rge 19E CUSTER County

Describe the proposed diversion system

Point of Diversion # 1 HEADGATE FROM CREEK TO DITCH (Upper Bradbury Diversion A0002509)

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	
14N	19E	32				.7													.7

Total Acres: 0.7

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Department of Water Resources
Southern Region

Transfer No. 70454
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 72-117D

Priority Date: May 15, 1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: GARDEN CREEK

Tributary: SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	4/15 10/15	0.01 CFS		
	Total Diversion	0.01 CFS		

Source and Point(s) of Diversion:

GARDEN CREEK NWNWNW Sec. 32 Twp 14N Rge 19E CUSTER County

Describe the proposed diversion system

Point of Diversion # 1 HEADGATE FROM CREEK TO DITCH (Upper Bradbury Diversion
A0002509)

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**Department of Water Resources
Southern Region**

To: Idaho Department of water Resources

Re: Transfer of water right point of Diversion

I DAN STRAND, as property owner at the requested:
(name of property owner(s))

(check one or both as applies)

_____ point of diversion of T14N, R19E, sec 32 NWNWNW, (IDWR tag A0002509),

and /or

☒ X landowner across which a portion of this ditch, known as the Upper Bradbury ditch is located

agree to the transfer of the point of diversion for water rights numbers 72-117, A, 72-117B, 72-117C and 72-117C for a total of 0.18 cfs to this diversion.

Signed Dan Strand Date 2/24/03

CHARLIS RECREATION & DEVELOPMENT CORP.

DAN STRAND / PRES

Printed name of property owner

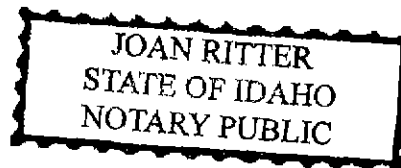
Signed and Attested before:

Notary Seal

Joan Ritter

notary name and seal #

Date: 2-24-03



To: Idaho Department of water Resources

Re: Transfer of water right point of Diversion

Terri S. Yacomella

I THOMAS LEE YACOMELLA, as property owner at the requested:
(name of property owner(s))

(check one or both as applies)

X point of diversion of T14N, R19E, sec 32 NWNWNW, (IDWR tag A0002509),

and /or X landowner across which a portion of this ditch, known as the Upper
Bradbury ditch is located

agree to the transfer of the point of diversion for water rights numbers 72-117, A, 72-
117B, 72-117C and 72-117C for a total of 0.18 cfs to this diversion.

Signed Thomas Lee Yacomella Date SEPT 19 2003

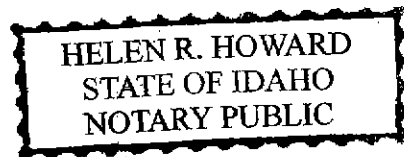
THOMAS LEE YACOMELLA
Printed name of property owner

Signed Terri S. Yacomella Date 09/19/03

Terri S. Yacomella
Printed name of property owner

Signed and Attested before: Helen Howard Notary Seal

Helen R. Howard



Notary name and seal #
Com. Exp 3/20/04

Date: 9/19/03

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Department of Water Resources
Southern Region

To: Idaho Department of water Resources

Re: Transfer of water right point of Diversion

I Tony S. Yacomella, as property owner at the requested:
(name of property owner(s))
Madge E Yacomella
(check one of both as applies)

X point of diversion of T14N, R19E, sec 32 NWNWNW, (IDWR tag A0002509),

and /or X landowner across which a portion of this ditch, known as the Upper
Bradbury ditch is located

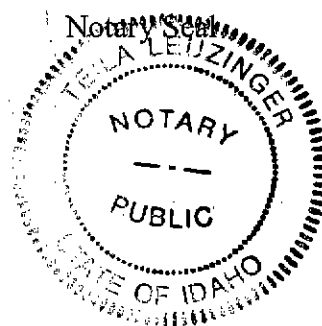
agree to the transfer of the point of diversion for water rights numbers 72-117, A, 72-
117B, 72-117C and 72-117C for a total of 0.18 cfs to this diversion.

Signed Tony S Yacomella Date 8-25 2003
Tony S. Yacomella
Printed name of property owner

Signed Madge E Yacomella Date 8/25/03
Madge E. Yacomella
Printed name of property owner

Signed and Attested before:
Teila Leuzinger

Teila Leuzinger
Notary name and seal #



Date: 8/25/03

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Department of Water Resources
Southern Region

To: Idaho Department of Resources

Re: Transfer of water right Point of Diversion

* I (We) Ruth C. Leaton, agree to have the Custer County
(name or names of water right owner)

Road Department act as the agent for transfer of the point of diversion for our water rights from the Lower Bradbury Diversion on Garden Creek to the upper Bradbury diversion on Garden Creek.

The details of this transfer area:

Water Right Number(s) 72-00117C

Current Point of Diversion legal description: T14N, R19E, sec 32, NENWNW

Legal Description of requested Point of Diversion: T14N, R 19E, sec 32 NWNW NW
at IDWR headgate GPS tag location : A0002509

Signed Ruth C. Leaton

Date: 7-17-'03

Print Names: Ruth C. Leaton

Address: P.O. Box 97

Phone: 208-879-4447

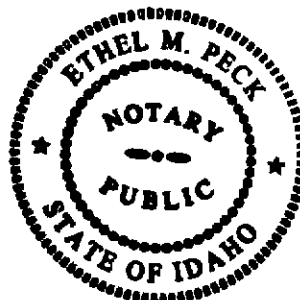
Signed and Attested before:

Notary Seal

Ethel M. Peck.

notary name and seal #

Date: 7-17-03



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Department of Water Resources
Southern Region

To: Idaho Department of Resources

Re: Transfer of water right Point of Diversion

X I (We) O'Dell Smith, agree to have the Custer County
(name or names of water right owner)

Road Department act as the agent for transfer of the point of diversion for our water rights from the Lower Bradbury Diversion on Garden Creek to the upper Bradbury diversion on Garden Creek.

The details of this transfer area:

Water Right Number(s) 72-117 D

Current Point of Diversion legal description: T14N, R19E, sec 32, NENWNW

Legal Description of requested Point of Diversion: T14N, R 19E, sec 32 NWNW NW
at IDWR headgate GPS tag location : A0002509

X Signed O'Dell Smith Jr X Date: June 18-03
X Print Names: ODELL SMITH JR
X Address: 701 2nd E - 13C ut 84302
X Phone: 435 734 2707

Signed and Attested before:

Notary Seal

notary name and seal #

Date: _____

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Department of Water Resources
Southern Region

To: Idaho Department of Resources

Re: Transfer of water right Point of Diversion

I (We) Harriet Henderson, agree to have the Custer County
(name or names of water right owner)

Road Department act as the agent for transfer of the point of diversion for our water rights from the Lower Bradbury Diversion on Garden Creek to the upper Bradbury diversion on Garden Creek.

The details of this transfer area:

Water Right Number(s) 72-117A
72-117B

Current Point of Diversion legal description: T14N, R19E, sec 32, NENWNW

Legal Description of requested Point of Diversion: T14N, R 19E, sec 32 NWNW NW
at IDWR headgate GPS tag location : A0002509

Signed Harriet Henderson Date: 3/06/03

Print Names: Harriet Henderson
Address: Box 645 Challis ID 83226
Phone: 879-4563

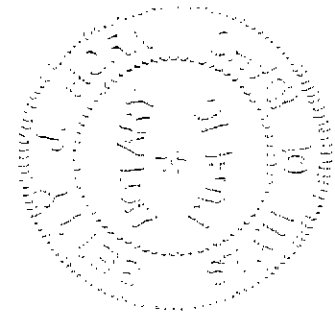
Signed and Attested before:

Notary Seal

Betty L. Sum
07-07-03

notary name and seal #

Date: 3/06/03



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Idaho Department of Water Resources
Southern Region

Custer County Road & Bridge Transfer 70454



Lower Bradbury Diversion
(NENWNW S32, T14N, R19E)
To be abandoned

Upper Bradbury Diversion
(NWNWNW S32, T14N, R19E)
Rights to be diverted here

Section 32
T14N, R19E

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Department of Water Resources
Southern Region