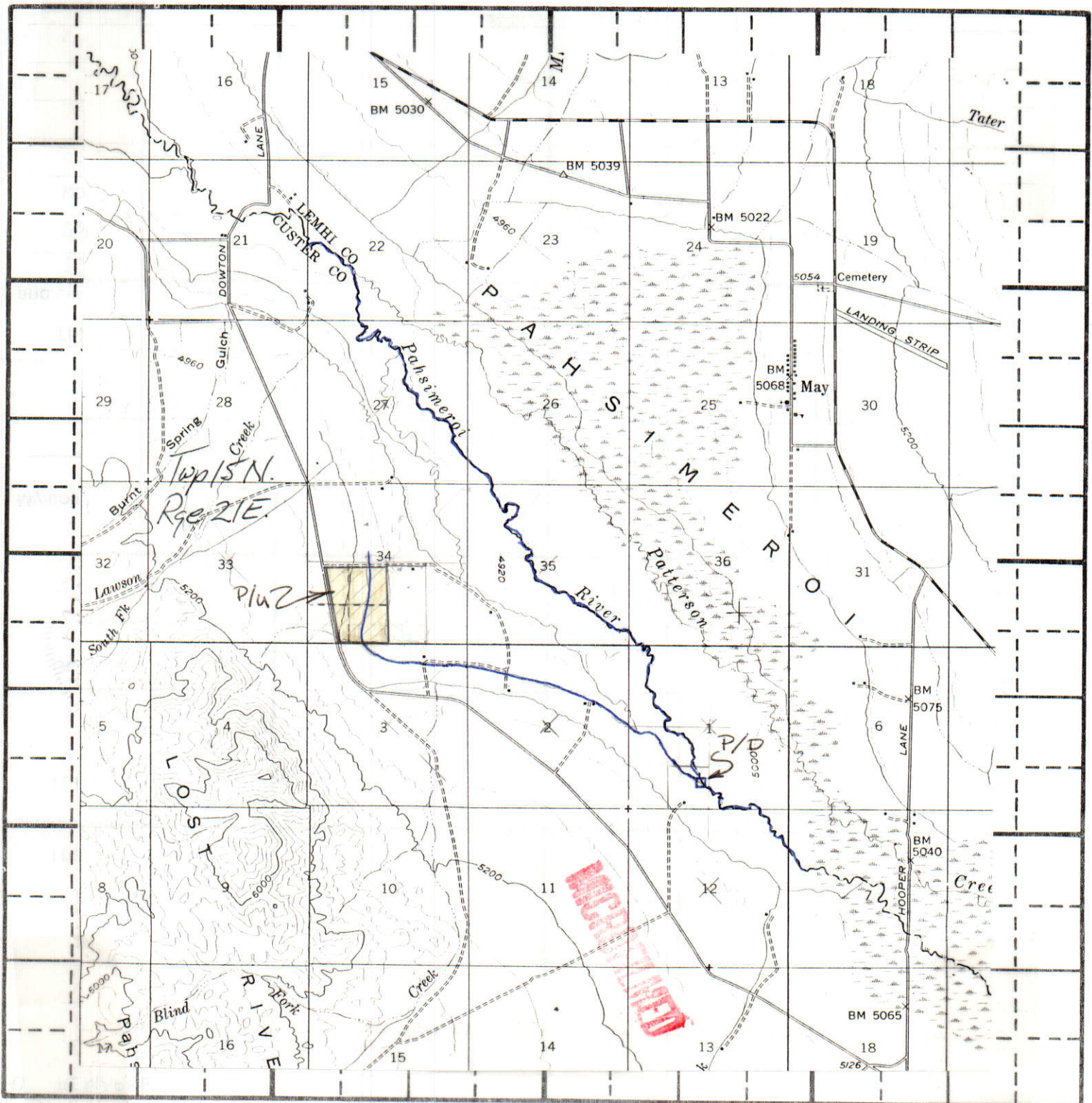


c. Describe the lands or place of use to which the right will be transferred:

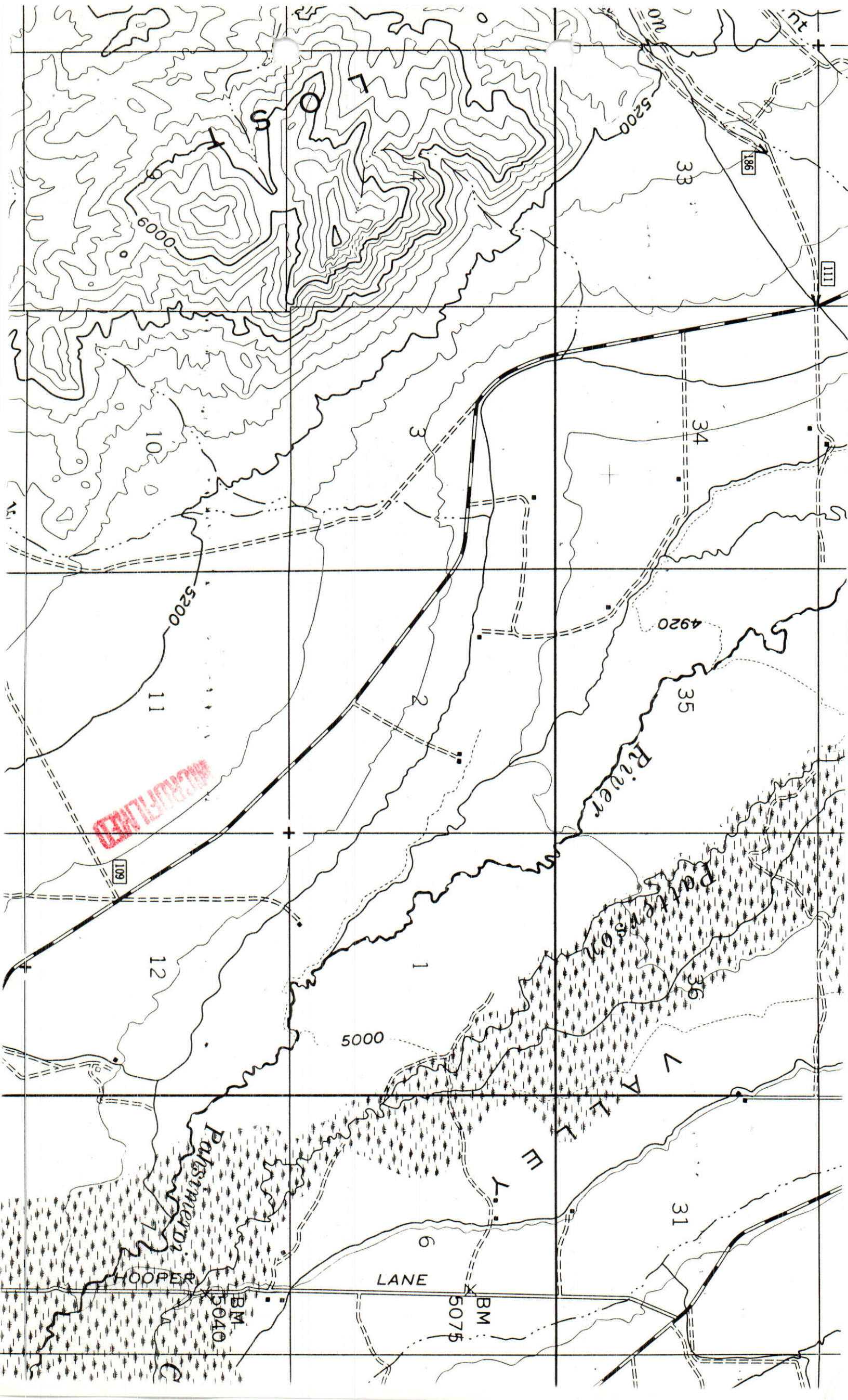
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15N	21E	34									40	25	20	40					125

Total number of acres to be irrigated 125

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



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



AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for ...2.....

consecutive weeks, commencing with
the issue dated Sept. 18.....

19.86 and ending with the issued
dated Sept. 25..... 19.86

Margaret Parks

Subscribed and sworn to before
me this 30th day of Sept......

19.86
Edith M. Peck

Notary Public, residing at Challis,
Idaho. My commission expires on

.....3-21-92.....

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that
Preston Dixon, May, Idaho has
applied to the Department of Water
Resources for a change in the place
of use of water from the Pahsimeroi
River tributary to the Salmon
River. The right sought to be
changed is evidenced by Decree
No. 73-0090, decreed to Odell D.
Bartlett in Case of Roscoe
Hamilton, et al vs. W. G. Swendsen,
et al, dated February 17, 1926, in 6th
District Court, Custer County and is
recorded as follows:

AMOUNT: 2.5cfs

PRIORITY: April 18, 1888

POINT OF DIVERSION: Not
Stated in Decree.

The water is used to irrigate 125
acres within the E1/2SW1/4,
W1/2SE1/4, Sec. 34, T. 15N, R. 21E,
B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within
the NE1/4SE1/4SW1/4, Sec. 1, T.
14N, R. 21E, B.M., Custer County
and used for the irrigation of 125
acres within the SW1/4, Sec. 34, T.
15N, R. 21E, B.M.

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., Suite 15, Idaho
Falls, Idaho, 83401, on or before
October 6, 1986.

A. KENNETH DUNN, Director
Published: September 18 & 25, 1986.

Transfer No. 3279

Water Right No. _____

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

APPROVED

Name of applicant Preston Dixon Phone 876-4252

Post Office address Box 2310, May Idaho 83253

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 73-0090 Decreed to Odell D. Bartlett
in case of Roscoe Hamilton, et al vs W. G. Swendsen, et al
dated in 02-17-1926 in 6th District Court county of Custer
(Name)
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Pahsimeroi River tributary to Salmon River

4. Date of priority 4-18-1888

5. Water is used for the following purposes:

amount 2.5 for Irrigation purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.5 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is _____ ¼ of _____ ¼ of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any Water for this right is transported through the
Reed & Bartlett Ditch. Legal description for heading not stated in decree.

8. Lands irrigated or 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	
15N	21E	34									X			X		X	X		125

*See remarks

Total number of acres to be irrigated 125*

9. Describe any other water rights used for the same purpose as described above None

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

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

1. Amount of water: a. _____ cubic feet per second
&/or
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	

Total number of acres to be irrigated _____

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

1. General Information
- a. Amount of water to be diverted 2.5 c.f.s. &/or _____ acre feet
- b. Description of diverting works Heading for the Reed & Bartlett Ditch
- c. Describe the reasons for the proposed changes To include 45 acres of land acquired through a D.L.E. (I-15492) as part of the place of use irrigated under this right.
2. Change in point of diversion
- NO CHANGE

Point of diversion ~~NE~~ SE ¼ SW ¼, Section 1 Township 14N

Range 21E, B.M., Custer County

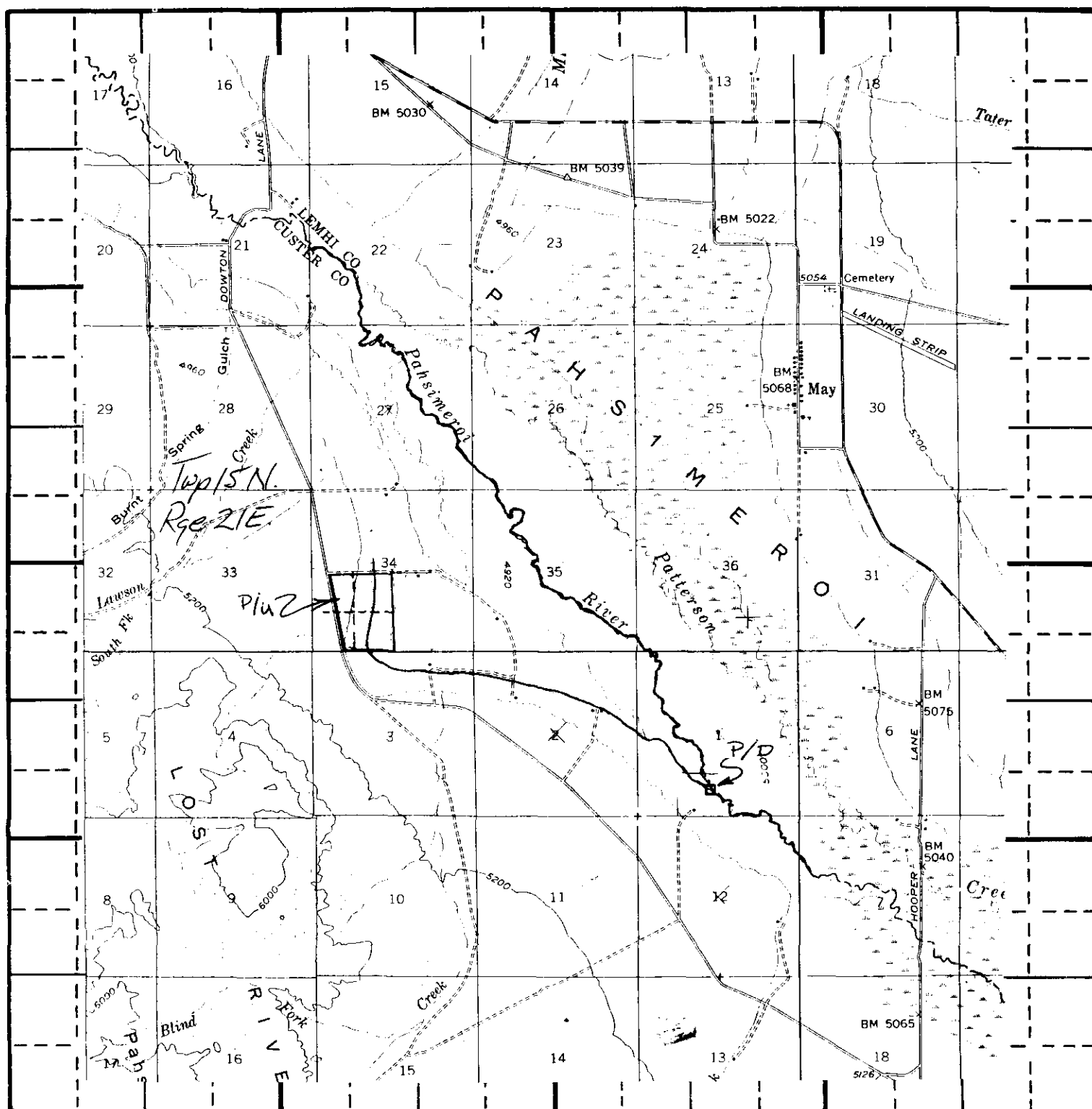
Additional points _____
3. Change in place of use
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? XX Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Decreed water is being removed from 45 acres in the W½SE¼, Sec. 34.
However, there is other water available for irrigation of this land. High water from the Pahsimeroi River is normally available early in the growing season. When flows in the river begin to recede, irrigation can continue using waste water originating on the neighbor's property.

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

[illegible]

Total number of acres to be irrigated 125

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



D. REMARKS

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

Subscribed and sworn to before me this 20th day of August, 19 86
[Signature]
(Signature of Applicant)
[Signature]
(Notary Public)

My commission expires 5/29/1991

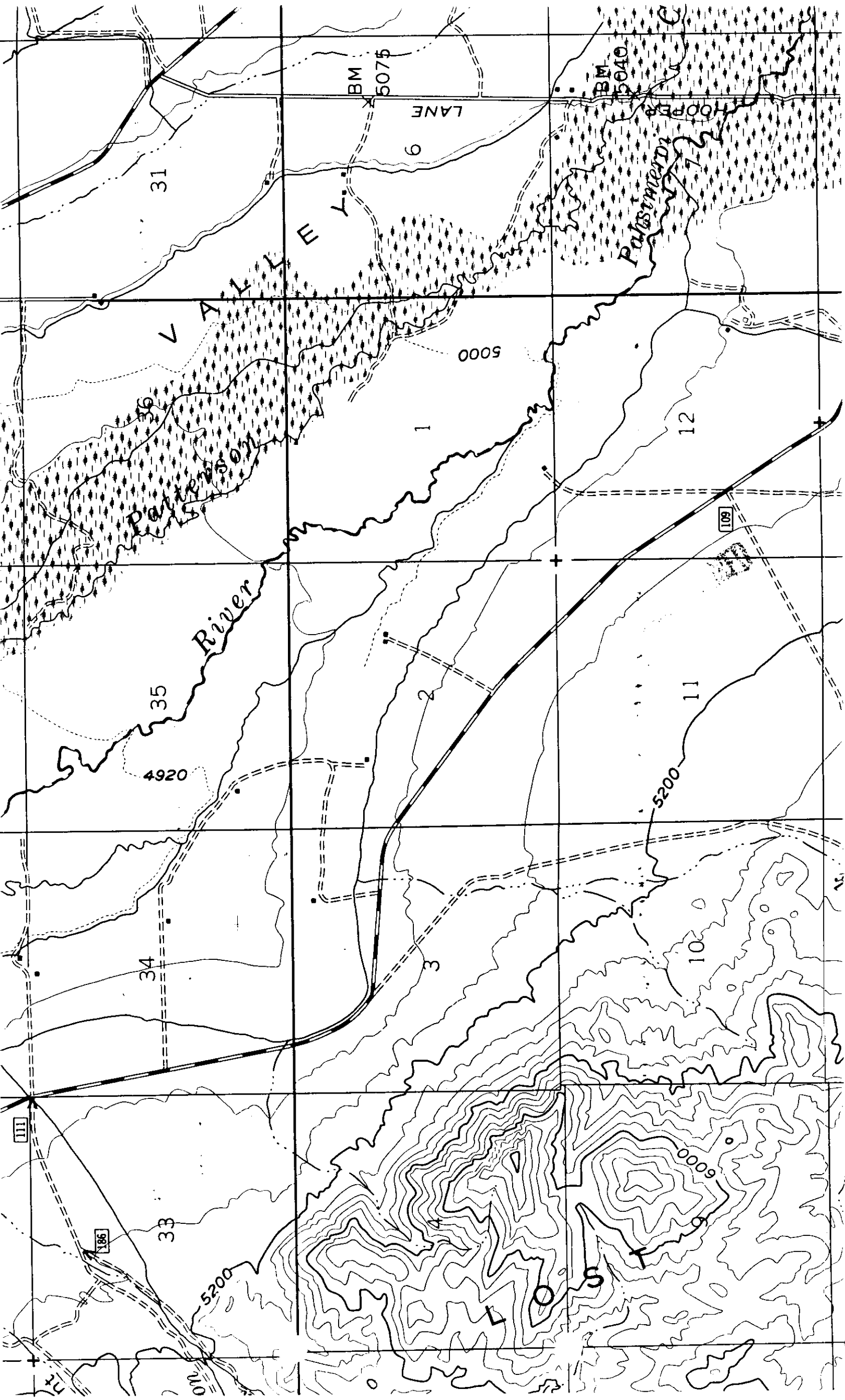
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 73-0090
and said application is hereby APPROVED, subject to the following limitations and conditions:
1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works. 2. Use of water under this right is subject to control by the watermaster of State Water District No, 73, Pahsimeroi River.

Witness my hand this 12th day of November, 19 86
[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>ENC</u>	Date <u>8-20-86</u>	Protest filed by _____
Prelim. check by <u>KCW</u>	Fee <u>\$50.00</u> #39840	_____
Receipted by <u>WLS</u>	Date <u>8-20-86</u>	_____
Published in <u>CASTER Publishing Co.</u>		Copies of protest forwarded by _____
Pub. dates <u>9-18 + 9-25-86</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>9-18-86</u>		Recommended for <u>approval</u> denial
<u>WD #73</u> rec'd. <u>9-23-86</u>		<u>RDC Jim GS.</u>



WATER RIGHT NUMBER 73-0090

VERIFIED 5/2/85

OWNER LAST NAME - BARTLETT

FIRST NAME - ODELL O.

ORIG OWNER - 0

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY -

STATE -

ZIP CODE -

SOURCE - PAHSIMEROI RIVER

TRIBUTARY OF - SALMON RIVER

STAGE - DECREE

STATUS -

PRIORITY - 04-18-1888 COUNTY - CUSTER

TOTAL DIV. RATE -

2.5000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. - 73

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT -

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE -

2.5000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 15N RNG 21E SEC 34

TRACT NESW LOT

AC

TRACT SESH LOT

AC

TRACT NWSE LOT

AC

TRACT SWSE LOT

AC

DECREE NAME - ROSCOE HAMILTON, ET AL. VS. W.G. SWENDSEN, ET AL.

DATE - 02-17-1926

TOTAL ACRES

0

REMARKS - P/D NOT IDENTIFIED IN DECREE.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - REED & BARTLETT DITCH.

September 18, 1986

We the undersigned as contract holders to the land described as $W\frac{1}{2}$ $SE\frac{1}{4}$ Sec 34, do hereby acknowledge and consent to the transfer of a portion of water right 73-0090 by Preston Dixon from the lands described as $W\frac{1}{2}$ $SE\frac{1}{4}$ Sec 34 to the lands described as $NW\frac{1}{4}$ $SW\frac{1}{2}$ of $SW\frac{1}{4}$ Sec 34.

Subscribed and sworn to before me this 23 day of Sept 1986

W W. Keppner

E. Keith Keppner

(signature of mortgage holder)

Signed and sealed before me this 23rd day of Sept 1986

Don C. Archibald

(notary public)

Residing at Highg. Ar.

My notary expires: Sept 1991

Robert N. Savage
Custer County Assessor
P.O. Box 597
Challis, Idaho 83226

THIS IS NOT A BILL

HOMESOWNER EXEMP

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	212.000 AC	55,650
4 MEADOW	115.000 AC	27,405
5 DRY GRAZING	71.000 AC	2,485
10 RURAL HOMESITE	1.000 AC	5,000
31 RURAL RES BLDG		66,063
32 RURAL IMP ON AG		18,787
58 MACH & EQUIP		17,867

TOTALS 400.000

193,257

33,032

**TAXPAYERS 1986
VALUATION ASSESSMENT NOTICE**

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 15, 1986
See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

Mail To:
KEPPNER, W E
% OIXON, PRESTON
HC 52 BOX 2310
MAY, ID 83253

E2, E2SW4
SEC 34 / T15N R21E

PROPERTY ADDRESS

PARCEL NO. RP 15N21E340001 A TAX CODE 24-00

135-111774
JUL 12 1983

Department of Water Resources
Eastern District Office

S A L E S A G R E E M E N T

THIS AGREEMENT, Made and entered into this 27th day of October, 1975, by and between W. W. KEPPNER and EDITH KEPPNER, husband and wife, parties of the first part, hereinafter called "SELLER", and PRESTON E. DIXON, JR., a single man, party of the second part, hereinafter called "BUYER", -

WITNESSETH:

That for and in consideration of the mutual covenants and agreements hereinafter contained, and the sum of [REDACTED] DOLLARS, lawful money of the United States of America, to be paid as hereinafter provided, Saller agrees to sell and Buyer agrees to purchase, all of the following described real property, situate in the Counties of Lemhi and Custer, State of Idaho, to-wit:

East Half (E $\frac{1}{2}$), East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Section 34; Southwest Quarter (SW $\frac{1}{4}$), South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 35, all in Township Fifteen (15) North, Range Twenty-one (21) East, Boise Meridian.

Together with all water and water rights, ditches and ditch rights appurtenant thereto or used in connection therewith.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

I

PURCHASE PRICE: It is understood and agreed that the total purchase price is [REDACTED] DOLLARS, which shall be paid as follows:

[REDACTED] Down, the receipt whereof is hereby acknowledged; and

[REDACTED] On or before January 10, 1976;

but not before January 1, 1976;

The balance of [REDACTED] shall bear interest at the rate of six (6)

per cent per annum and shall be paid as follows:

[REDACTED] Including the interest then due, on or before January 10, 1977; and

[REDACTED] Including the interest then due, on or before January 10th of each year thereafter until the entire sum of principal and interest shall be paid in full.

Said payments shall be made in lawful money of the United States to the Seller at the office of the escrow holder as set forth herein, or at such other

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2

consecutive weeks, commencing with
the issue dated Sept. 18

1986 and ending with the issued
dated Sept 25 1986

Margaret Parks

Subscribed and sworn to before
me this 30th day of Sept

1986

Ernest M. Peck

Notary Public, residing at Challis,
Idaho. My commission expires on

3-21-92

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that
Preston Dixon, May, Idaho has
applied to the Department of Water
Resources for a change in the place
of use of water from the Pahsimeroi
River tributary to the Salmon
River. The right sought to be
changed is evidenced by Decree
No. 73-0090, decreed to Odell D.
Bartlett in Case of Roscoe
Hamilton, et al vs. W. G. Swendsen,
et al, dated February 17, 1926, in 6th
District Court, Custer County and is
recorded as follows:

AMOUNT: 2.5cfs

PRIORITY: April 18, 1888

POINT OF DIVERSION: Not
Stated in Decree.

The water is used to irrigate 125
acres within the E1/2SW1/4,
W1/2SE1/4, Sec. 34, T. 15N, R. 21E,
B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within
the NE1/4SE1/4SW1/4, Sec. 1, T.
14N, R. 21E, B.M., Custer County
and used for the irrigation of 125
acres within the SW1/4, Sec. 34, T.
15N, R. 21E, B.M.

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., Suite 15, Idaho
Falls, Idaho, 83401, on or before
October 6, 1986.

A. J. KENNETH DUNN, Director
Published: September 18 & 25, 1986.

818 Ma
H
73-E

73-E

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER.

1. That the decrees issued and mentioned in the decree herein
ROSCOE HAMILTON, et al, the Palisadero River, and said river and
its tributaries li Plaintiffs boundaries of Custer and
Counties, -vs- te of Idaho.
W. G. SWENDSEN, Commissioner of Reclamation, et al, Defendant.
mental the decree Defendant.
O'Neil, partners, et al., plaintiffs, vs. Brian Smith, et al,
defendants, in the above entitled district court, and J. H.
Morre This cause came on regularly for trial before Honorable
James H. Anderson, sitting as a Referee, who by consent of all
the parties to this action, and by order of the Court, was
appointed Referee to try the same, and report his recommenda-
tions to the court, and the said Referee sitting without a
jury, on the 12th day of August, 1924, at Challis, Challis,
Custer County, State of Idaho and the plaintiffs and defendants
appearing by their respective attorneys, and the default of the
non-answering defendants having been duly entered and the parties
hereto, by stipulation, being duly filed with the Court, having
agreed upon a decree and the matter having been presented to the
Referee for his findings and recommendations thereon and the find-
ings and recommendations of the Referee, and a further stipulation
having been entered into under date of November 2, 1925, and
filed herein permitting Minnie W. Kerr to file her complaint in
intervention, and that the decree heretofore reported and recom-
mended by the Referee be amended by adding thereto and including
therein the rights said Minnie W. Kerr as claimed in her complaint
in intervention, and the same having been fully considered by the
court, and the court being fully advised in the premises finds that
the decree should be entered in accordance with the stipulation
on file herein, every of the said several tracts of land
situated in Lemhi and Custer Counties, State of Idaho.

- 73 0088 LOIS P. REED, 2.3 cubic feet per second of time through the Reed & Bartlett Ditch from the Pahsimeroi River with date of priority November 5, 1889, and 1.6 cubic feet per second of time from the Pahsimeroi River with date of priority November 5, 1889, through the Murphy ditch appurtenant to the NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 34, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 35, T. 15 N., R. 21 E. B. M.
- 73 0090 ODELL D. BARTLETT 2.5 cubic feet per second of time of the waters of Pahsimeroi River through the Reed and Bartlett Ditch with date of priority April 18, 1888, Appurtenant to the W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 34, T. 15 N., R. 21 E. B. M.
- 73 0091 LOIS P. REED, 1.4 cubic feet per second of time of the waters of Warm Spring with date of priority November 5, 1885, appurtenant to the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 34, T. 15 N., R. 21 E. B. M. through the Reed Ditch about south 45 degrees 21 minutes East of North quarter corner of Section 34, T. 15 N., R. 21 E. B. M.
- 73 0092 I. R. WILSON and F. D. KEARNS from Spring Creek 3.2 cubic feet per second of time with date of priority March 24, 1891, appurtenant to the W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, all in T. 15 N., R. 21 E. B. M. through the Halloran Ditch.
- 73 0093 JOHN S. NORMAN, cross-complainant, 2 cubic feet per second of time of the waters of Pahsimeroi River, with date of priority April 18, 1900, appurtenant to the SE $\frac{1}{4}$ Section 27, T. 15 N., R. 21 E. B. M., to be diverted through the Short Ditch.
- 73 0094 E. D. BROWN, defendant, 4 cubic feet per second of time of the waters of Big Spring Creek with date of priority March 24, 1891, appurtenant to the SE $\frac{1}{4}$ Section 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T. 15 N., R. 21 E. B. M., to be diverted through the Halloran Ditch.
- 73 0095 E. D. BROWN, defendant, 4.8 cubic feet per second of time from Big Spring Creek with date of priority July 27, 1900, appurtenant to NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T. 15 N., R. 21 E. B. M., to be diverted through the Hardscrabble Ditch.
- 73 0096 W. L. DOEYTON, from Pahsimeroi River, 3.2 cubic feet per second of time with date of priority May 10, 1901; diverted as follows, 1.8 cubic feet per second of time through the Ellis Ditch, and 1.4 cubic feet per second of time through Murphey Ditch; also .8 cubic feet per second of time with date of priority April 5, 1919, through the Murphy Ditch, and .5 cubic feet per second of time from Dewton Springs through private ditch, appurtenant to NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T. 15 N., R. 21 E. B. M.
- 73 0098 GEORGE HAMMOND 3.2 cubic feet per second of time of the waters of Spring Creek to date from October 30, 1902, appurtenant to the E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 21, W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22, T. 15 N., R. 21 E. B. M., through the Cotter Ditch, and two other ditches.
- 73 0099 I. R. WILSON, 5.1 cubic feet per second of time of the waters of Mud Springs Creek and Pahsimeroi River to date from April 14, 1885; said 255 inches to be diverted from Mud Springs, and in so far as the same is in Mud Springs, and balance from Pahsimeroi River to be diverted as follows; 4 second feet through the Ellis Ditch, and 1.1 cubic feet per second of time through the Murphy Ditch; 2.9 cubic feet per second of time of the waters of Pahsimeroi River to date from June 11, 1901 to be diverted through the Murphy Ditch, all of said water being appurtenant to the NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section Section 21, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 22, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 21, all in T. 15 N., R. 21 E. B. M.



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

November 17, 1986

RE: Transfer of Water Right No. 73-0090

Preston Dixon
Box 2310
May, ID 83253

Dear Mr. Dixon:

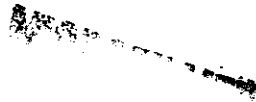
Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3279). Be sure to note the conditions of approval as listed on the final page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: K.C. Wilson

1. Right number 73-0090 ✓ Applicant Preston Dixon ✓
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.

PROTEST DATE
10-6-86

5. Amount of land &/or water transferred:

- ☒ All of right.
- ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- ☒ Check description of point(s) of diversion.
- ☒ Check description of place of use.
- ☒ Check map (shows p.d. and p.u. after transfer).
- ☒ Check for correct signature, notarization, and fee.
- ☒ Check proof of ownership of right &/or land from which water is transferred. *Needs copy of last years tax notice*
- ☒ Check for expansion in use of right. Comments _____

☒ 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? 73-

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 3-17-86 Received on 9-23-86
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Adoguate head gate & Measuring device.
Control of the water master
OS(73 Pahsimeroi River), OIE
4. By RD C Date 10/8/86

Jim 11-6-86 - USE ABOVE CONDITIONS
* All uses within Watermaster Districts require special conditions.

copy to Roberta 9-11-86

Department of Water Resources

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 73-0090

RECEIVED

SEP 1 1986

Department of Water Resources
Eastern District Office

WATER DISTRICT 73

WATERMASTER Preston D. Dean

DATE: 9/22/86

COMMENTS: _____

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Preston D. Dean
Watermaster

October 2, 1986

Preston Dixon
Box 2310
May, Idaho 83253

Dear Mr. Dixon:

I am returning the original of your 1986 tax assessment in the event you may need it for your farm records. A copy of the assessment has been placed with your transfer application along with the affidavit signed by Mr. Keppner and page one of the sale agreement between yourself and Mr. Keppner.

No protests against the application have been received and the final date of protest is expected to be October 6, 1986.

Respectfully submitted.

Ernest Carlsen
Assistant Regional Supervisor

EC/md

Enclosure

September 18, 1986

RE: Application for Transfer No. 73-0090

Mr. Preston Dixon, Watermaster
Water District No. 33
Box 2310
May, ID 83253

Dear Mr. Dixon:

Please find enclosed a copy of the above referenced application(s) and water recommendation form(s). Please review the application(s) and complete the form(s), returning it to this office on or before October 6, 1986.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

Enclosure

September 11, 1986

Preston Dixon
Box 2310
May, Idaho 83253

Re: Application for Transfer No.73-0090

Dear Transfer Applicant:

The Department of Water Resources acknowledges receipt of your application for transfer. The transfer identification number is 73-0090. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the transfer in The Custer Publishing Co. The transfer will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the transfer is protested, you will be sent a copy of the protest. The protest must be resolved before the transfer is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the transfer is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the transfer and will notify you of the outcome of this review. When the transfer is approved, you will be sent a copy. A typical processing time for an unprotested transfer is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 10, 1986

Custer County Publishing Co.
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 6, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED
SEP 11 1986
IDaho Falls

HURSDAY, SEPTEMBER 18, 1986

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

Notice is hereby given that Preston Dixon, May, Idaho has applied to the Department of Water Resources for a change in the place of use of water from the Pahsimeroi River tributary to the Salmon River. The right sought to be changed is evidenced by Decree No. 73-0000, decreed to Odell D. Bartlett in Case of Roscoe Hamilton, et al vs. W. G. Swendsen, et al, dated February 17, 1926, in 6th District Court, Custer County and is recorded as follows:

AMOUNT: 2.5cfs

PRIORITY: April 18, 1888

POINT OF DIVERSION: Not Stated in Decree.

The water is used to irrigate 125 acres within the E1/2SW1/4, W1/2SE1/4, Sec. 34, T. 15N, R. 21E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE1/4SE1/4SW1/4, Sec. 1, T. 14N, R. 21E, B.M., Custer County and used for the irrigation of 125 acres within the SW1/4, Sec. 34, T. 15N, R. 21E, B.M.

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., Suite 15, Idaho Falls, Idaho, 83401, on or before October 6, 1986.

A. KENNETH DUNN, Director
Published: September 18 & 25, 1986.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Preston Dixon, May, Idaho has applied to the Department of Water Resources for a change in the place of use of water from the Pahsimeroi River tributary to the Salmon River. The right sought to be changed is evidenced by Decree No. 73-0090, decreed to Odell D. Bartlett in Case of Roscoe Hamilton, et al vs. W. G. Swendsen, et al, dated February 17, 1926, in 6th District Court, Custer County and is recorded as follows:

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POINT OF DIVERSION: Not Stated in Decree.

The water is used to irrigate 125 acres within the E1/2SW1/4, W1/2SE1/4, Sec. 34, T. 15N, R. 21E, B.M.

TO BE CHANGED AS FOLLOWS

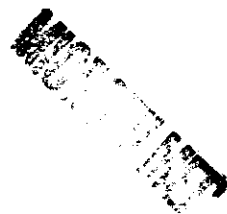
The water will be diverted within the NE1/4SE1/4SW1/4, Sec. 1, T. 14N, R. 21E, B.M., Custer County and used for the irrigation of 125 acres within the SW1/4, Sec. 34, T. 15N. R. 21E, B.M.

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., Suite 15, Idaho Falls, Idaho, 83401, on or before October 6, 1986.

A. Kenneth Dunn

Director

Published 9/18/86 and 9/25/86



June 24, 1986

Preston Dixon
Box 2310
May, Idaho 83253

Dear Mr. Dixon:

My review of the enclosed transfer application revealed it was not in form to receipt and advertise. Therefore, the application along with your check no. 3504 for \$50.00 is being returned.

Based on the information you provided during our telephone conversation this morning I will prepare another application reflecting the change you wish to make. You can expect to receive the application within the next ten days.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

Enclosure



June 30, 1986

Preston Dixon
P.O. Box 2310
May, Idaho 83253

RE: Application for transfer of water right no. 73-0090

Dear Mr. Dixon:

Relying on my understanding of the information you provided during our telephone conversation of June 23, 1986, I have prepared a draft of an application to transfer a portion water right No. 73-0090 to lands that you are going to acquire through a desert land entry. This draft along with some supporting documents is enclosed for your consideration. Also enclosed is a blank application for transfer form which you should complete using the draft as a guide. Feel free to make any changes you feel are pertinent.

Once you have completed the application form, sign it in the presence of a notary and return it to this office. Accompanying the application should be a check for \$50.00 the documents attached to the draft, a copy of last years tax notice and a affidavit from the party holding the contract on the land. The affidavit should state they're aware you are attempting to transfer the water to new land and that they concur with the change.

In the past the Bureau of Land Management has been unwilling to acknowledge transfers of existing water rights on to Desert Land Entries as a method of securing a new water right for the land. Statements in a previous letter indicate you understand there has been a change in this policy. If so, your furnishing a written statement from the BLM to this affect would expedite this Department's administrative consideration of your application.

Preston Dixon
June 30, 1986
Page two

Feel free to call me if you have any questions concerning the application or the documents I've requested in support of the application.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

Enclosure

September 4, 1986

Preston Dixon
Box 2310
May, Idaho 83253

RE: Application for Transfer 73-0090

Dear Mr. Dixon:

This office has initiated the processing of your application to transfer a portion of right 73-0090 to lands that may be acquired through a D.L.E. No. I-15492.

Unfortunately, while you were in the office, I neglected to request some documents that must accompany the application. These documents pertain to proof of ownership for the land from which the water is being removed and written consent from the party holding the mortgage or contract on the land. A copy of either last years tax notice or the purchasing contract is normally sufficient to comply with the proof of ownership requirement. Consent from the mortgage holder should be in affidavit form and simply needs to acknowledge awareness of the application and consent to making the change.

Aside from the application there is another matter I need you to act on as the watermaster. I've enclosed a photo taken of a well on property once owned by Orville Bratton. As you can tell from the photo when the pump was removed the well casing was left open. The department has been corresponding with the most current owners who were to either properly abandon the well or install another pump. If a pump has not been installed they should have capped the well with either a cement plug or by welding a 1/4" steel plate to the top of the well casing. Since I didn't make the trip over there would you please stop by the well to determine if the current owners have followed up on their promise to take action. The location of the well is shown on the enclosed map.

Enclosure

Preston Dixon
September 4, 1986
Page two

I would appreciate a report on the well at your earliest convenience. The documents associated with your application for transfer will not be needed until the latter part of September. Your cooperation is appreciated.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

Enclosure