

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

REVISIONS

RECEIVED

Department of Water Administration

Affidavit of Publication

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 63-2046**

Notice is hereby given that Western Land & Cattle Company of Mayfield Stage, Boise, ID has applied to the Department of Water Administration for a change of point of diversion & place of use of the waters of Indian Creek, trib. to Indian Creek Reservoir. The right sought to be changed is evidenced by License No. 63-2046 and is recorded as follows. Amount 3.4 c.f.s. Priority: Nov. 7, 1906 Point of Diversion: SW 1/4 NW 1/4, S. 19, T. 1 N., R. 5 E., B.M., Elmore County. The water is used for irrigation purposes within SW 1/4 NE 1/4, SE 1/4 NW 1/4, N 1/2 SW 1/4, NW 1/4 SE 1/4, S 24, T. 1 N., R. 5 E., B.M.

TO BE CHANGED AS FOLLOWS
Amount: 3.4 c.f.s. Point of Diversion: SW 1/4 NW 1/4, S. 17, SW 1/4 SE 1/4, S. 8, T. 1 N., R. 5 E., B.M. The water will be used for irrigation purposes within SE 1/4 SW 1/4, S. 8, N 1/2 NE 1/4, SW 1/4 NE 1/4, SW 1/4 NW 1/4, S. 17, SE 1/4 NE 1/4, N 1/2 SE 1/4, S. 18, T. 1 N., R. 5 E., B.M.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration on or before March 4, 1974.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mountain Home, Idaho on Feb. 14, 1974 and Feb. 21, 1974.

*OK of
2-26-74*

County of Elmore }
STATE OF IDAHO } ss.

I, *Lloyd S. Waters* do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

2 consecutive weeks, the first publication having been made on the *14* day of *February*, 19*74*, and the last publication having been made on the *21* day of *February*, 19*74*; every Thursday issue of the paper

during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this *21* day of *February*, 19*74*

William D. Waters
Notary Public

63 2046

Identification No. #1951

Transfer No. 63 2046

STATE OF IDAHO **APPROVED**
DEPARTMENT OF RECLAMATION

**APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use**

1. Name of Right Holder Western Land & Cattle Company
Post office address Mayfield Stage, Boise, Idaho

2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____.

b. License No. 63-2046 issued by the State of Idaho, Department of Reclamation.

3. Source of water Indian Creek tributary to Indian Creek Reservoir +
(Name of stream or source) (Boise River) +

4. Date of Priority 11/7/1906

5. Amount of water a. 3.4 c.f.s. and/or
b. _____ acre feet/annum

6. Water is used for Irrigation from March 1 to Nov. 1
(Month, Day) (Month, Day)

7. Original location of point of diversion is SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19,
Township 1 N., Range 5 E., B.M., in Elmore County;

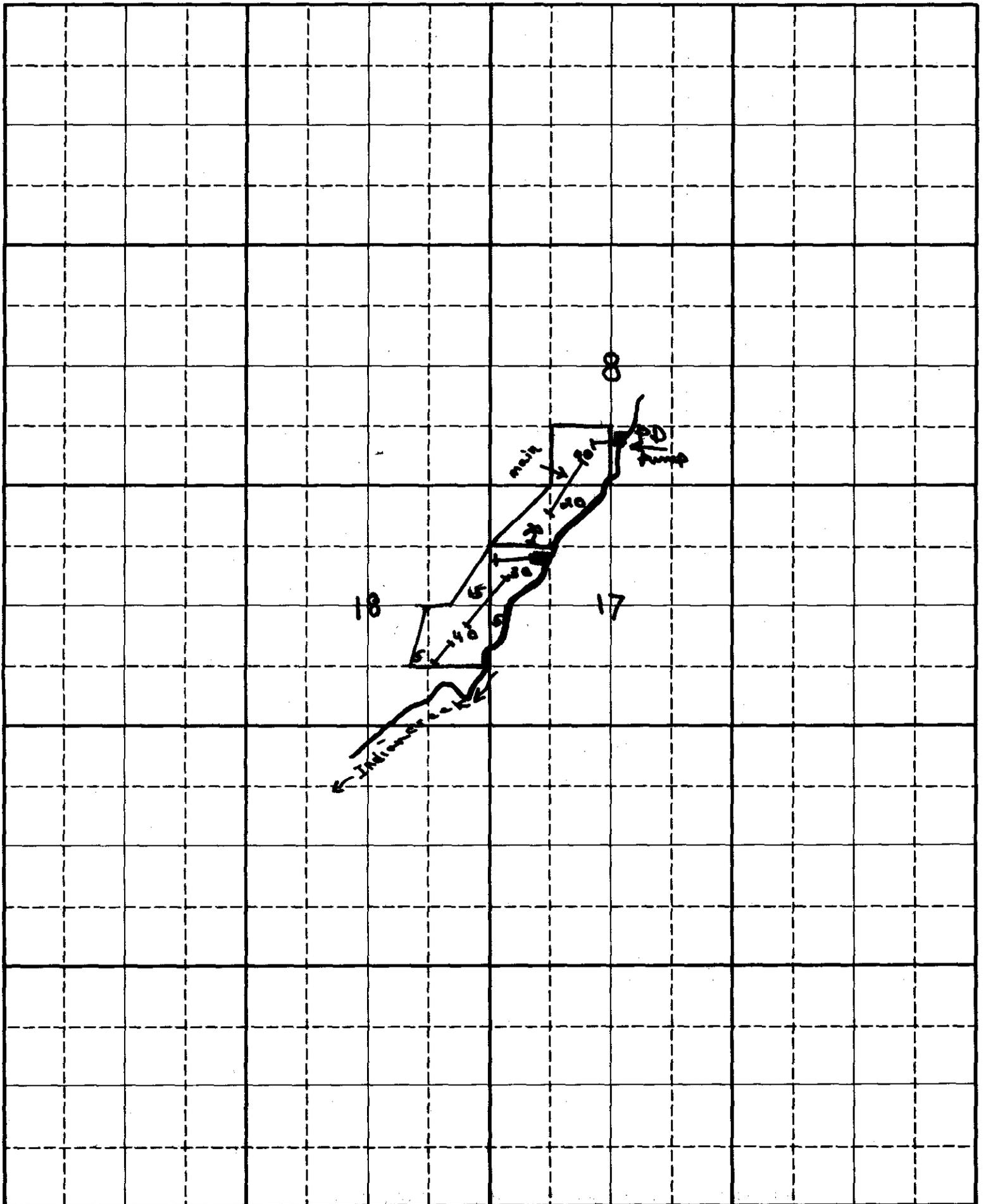
Additional points of diversion, if any at a point near quarter section line between
Northwest quarter and Southwest quarter of Sec. 19, T. 1 N., R. 5 E., B.M.

8. Lands presently 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 $\frac{1}{4}$	
1 N.	5 E.	24			35				40	30	30					30			165

Total number of acres presently irrigated 165

63 2046



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

What is the...

D

Q

b. Do you intend to make the transfer permanent? YES

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

YES

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: NONE

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Wendy J. [Signature]
(signature of applicant)

Subscribed and sworn to before me this 16th day of February, 1974

Dorcas J. [Signature]
(notary public)

My commission expires 6-15-77

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

ok
3DF

This is to certify that I have examined Application for Transfer of Water Rights No. 63-2046, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 26 day of March, 1974

[Signature]
Director
Department of Water Administration

Rec'd # 13668 **FOR DEPARTMENT USE ONLY**

Received by [Signature] Date 2-06-74

Protest filed by: _____ Date _____

Prelim. check by EEB Date 6 Feb 1974

Fee received by [Signature] Date 2/06/74 Fee \$ 30.00

Approved for publication by _____

Published in Mt. Home News Dates 2-14 & 2-21-74

Hearing held _____

Watermaster Recommendation sent _____

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, *Lloyd S. Waters* do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the *14* day

of *February*, 19*74*; and

the last publication having been made on the
21 day of *February*

19*74*; every Thursday issue of the paper

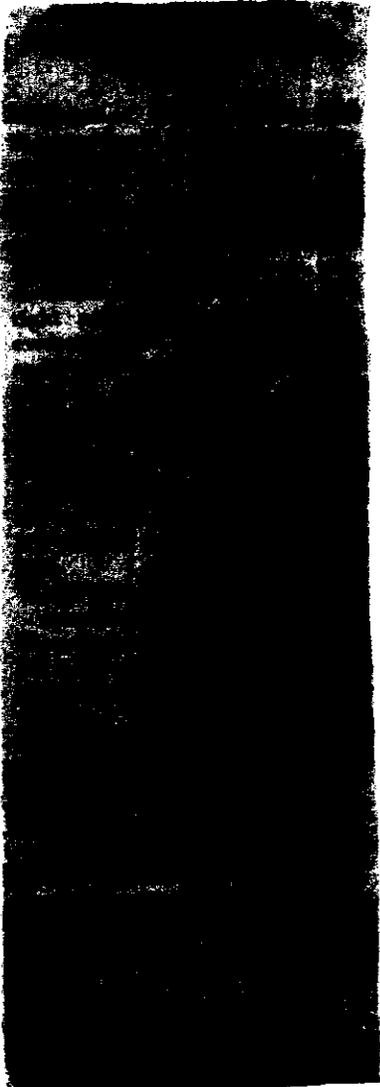
during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this *21*
day of *February*, 19*74*

William D. Waters
Notary Public



OK of
2-26-74

Elmore County *
Indian Creek **
3.4 sec.ft. *
Irrigation *
Priority-11-7-06 *

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

Water License No. 2376.

WHEREAS, On the 7th day of November, A. D. 1906, JENNIE L. BECK of Boise, County of Ada and State of Idaho, duly made application (No.3356) to me for a permit to use 4 cubic feet per second of the waters of Indian Creek, County of Elmore, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 10th day of November, A. D. 1906, Permit No. 2376 was issued to said applicant for the diversion said water, and providing for the completion of the works of diversion therein described on or before the 10th day of November, A. D. 1908, and for the application to beneficial use of said water on or before the 10th day of November, A.D.1910, and,

WHEREAS, On the 25th day of January, A. D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.4 cubic feet per second of said waters, as evidenced by my Certificate No. 2376, dated January 28,1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.4 cubic feet per second of water, with date of priority of November 7,1906, and,

WHEREAS, On the 25th day of January, A. D. 1908, proof was duly made of the application to beneficial use of 3.4 cubic feet per second of said water;

NOV, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JENNIE L. BECK of Boise, Idaho, the holder and owner of said Permit No. 2376, a perpetual right, dating from November 7,1906, to the use of 3.4 cubic feet per second of the waters of Indian Creek, in the County of Elmore and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point near quarter section line between Northwest quarter and Southwest quarter of Section 19,T.1 N.,R. 5 E. B. M. and conducted to and upon about (35 acres in Southwest quarter of Northeast quarter (SW4 NE4); 30 acres in Northwest quarter of Southeast quarter (NW SE); 40 acres in Southeast quarter of Northwest quarter (SE NW); 30 acres in Northeast quarter of Southwest quarter (NE SW); 30 acres in Northwest quarter of Southwest quarter (NW SW)} Sec.24, T.1 N.,R. 5 E. B. M. 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 28th day of J anuary,
A. D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.

State Engineer.

(SEAL)

Recorded January 28,1908.

No. 3356

A P P L I C A T I O N F O R P E R M I T

To appropriate the Public Waters of the State of Idaho.

1. Name of applicant - JENNIE L. BECK
Postoffice address: P. O. 1101 Fort Street, - Boise.
County - Ada.
2. The quantity of water claimed is 4 cubic feet per second.
3. Source of water supply - Indian Creek.
County of Elmore.
4. Location of point of diversion - SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 19, Tp. 1 N., R. 5 E. B. M.
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Number of acres to be irrigated 200 acres.
 - (b) In the following legal subdivisions - SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of section 24, Tp. 1 North, Range 5 E. B. M.
6. Estimated cost of works - \$100
7. Description of Works for Diversion:
 - I. Kinds of works - Ditch.
 - II. Dimensions of Works:
 - (d) Ditch (flume or pipe) width at bottom 1 $\frac{1}{2}$ feet, width at water line 2 feet, depth of water 1 foot. Average grade per mile is 7 feet, length of ditch is 1/3 miles, and it crosses the following quarter sections - NW $\frac{1}{4}$ Sec. 19, Tp. 1 N., R. 5 E. B. M. to land described in Par 5, I (b), which is the point of intended use.
8. Time required for the completion of the construction of such work is 2 years.
9. Time required for the complete application of the water to the proposed use is 2 additional years.

Approval of State Engineer

The number of this permit is 2376.

Date of first receipt of application 4 p. m. November 7, 1906.

Recorded in Book 7, page 2376. Approved November 10, 1906.

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 January 9, 1907, 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 November 10, 1907.

The whole of said work to be completed on or before November 10, 1908.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to November 10, 1910.

Witness my hand this 10 day of November, 1906.

Jas. Stephenson, Jr.

State Engineer.

Blank notice of proof of completion and beneficial use mailed applicant.
Notices received fixing January 25, 1908, as date and Boise as place of proof.
Notice for publication mailed Elmore County Republican at Mountainhome December 24, 1907.
Grover Corder authorized December 24, 1907, to make examination of works.
His report received January 22, 1908.
Depositions, affidavit of publication and fees received January 25, 1908.
Certificate and License issued January 28, 1908.

Permit No. 2376

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that JENNIE L. BECK of Boise, County of Ada and State of Idaho, the holder of Permit No. 2376, issued upon Application No. 3356, bearing date of priority of November 7, 1906, authorizing the diversion of 4 second feet of the waters of Indian Creek County of Elmore, 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 3.4 second-feet of the waters of Indian Creek; that the point of diversion of said waters is near quarter section line between Northwest quarter and Southwest quarter of Section 19, Township 1 North, Range 5 East of Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southwest quarter of Northeast quarter (SW4 NE4); Northwest quarter of Southeast quarter (NW4 SE4) Southeast quarter of Northwest quarter (SE4 NW4); North half of Southwest quarter (N2 SW4); All in Section 24, Township 1 North, Range 5 East of Boise Meridian.

Witness my hand this 28th day of January, A. D. 1908.

Jas. Stephenson, Jr.

License issued for 3.4 second feet

State Engineer.

0.26
74

March 29, 1974

Re: Transfer No. 63-2046

Western Land & Cattle Co.
Mayfield Stage
Boise, Idaho

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of Water Right No. 63-204 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosure

63 2046

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>CEB</u>	<u>6 Feb 74</u>	X Fee Application No. <u>63 2046</u>
(2)			<input checked="" type="checkbox"/> Source <input checked="" type="checkbox"/> Point of Diversion <input checked="" type="checkbox"/> County <input checked="" type="checkbox"/> Quantity of Water and Period of Use <input checked="" type="checkbox"/> Description of Diverting Works <input checked="" type="checkbox"/> Time required for B/U of water <input checked="" type="checkbox"/> Place of Use or Acres Irrigated <input checked="" type="checkbox"/> Map <input checked="" type="checkbox"/> Signature <input checked="" type="checkbox"/> Fee
(3)	<u>CEB</u>	<u>6 Feb 74</u>	In form to receipt
		<u>N/A</u>	Send Copies to: <input type="checkbox"/> Idaho State Health Department <input type="checkbox"/> Idaho Fish and Game Department <input type="checkbox"/> Bureau of Land Management
(4)		<u>N/A</u>	<input type="checkbox"/> Request Special Use Permit from U. S. F. S. <input type="checkbox"/> Request Easement from B. L. M. <input type="checkbox"/> Request Information from Applicant
(5)	<u>CEB</u>	<u>6 Feb 74</u>	In form for advertising
(6)		<u>NA</u>	Located within Water District No. _____
(7)		<u>NA</u>	Critical groundwater area: yes _____ no _____
(8)		<u>NA</u>	Groundwater levels: _____ Decline (comment) _____ _____ Stable (comment) _____ _____ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>dl</u>	<u>2-26-74</u>	Affidavit of Publication received (date) _____
(11)	<u>R.W.H.</u>	<u>3-4-74</u>	Final date for protests _____ Protests received: yes _____ no <input checked="" type="checkbox"/>
(12)		<u>NA</u>	Date and Place of hearing _____ Decision reached at hearing _____
(13)		<u>NA</u>	All requested information received from agencies or applicant yes _____ no _____
(14)	<u>R.W.H.</u>	<u>3-4-74</u>	Action recommended: <input checked="" type="checkbox"/> Approve Priority <u>11-7-1906</u> <input type="checkbox"/> Deny Reason for Reduction _____ <input checked="" type="checkbox"/> Measuring device required <input type="checkbox"/> See attached sheet for additional conditions of approval <input checked="" type="checkbox"/> No additional conditions for approval
(15)	District <u>Western</u>		By <u>Robert W. Hamilton</u> Date <u>3-4-1974</u>

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

RECEIVED

March 7, 1974

Department of Water Administration

Western Land & Cattle Company
Mayfield Stage
Boise, Idaho

Re: Application for Transfer of Water Right No. 63-2046

Gentlemen:

Before we can complete the processing of your transfer application, we will need proof of ownership of the water right being transferred. A copy of your deed showing ownership of the land from which the water is being taken would serve our purpose.

Sincerely,

Robert W. Hamilton
ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:sw

63 2046

FOR VALUE RECEIVED, GEM-VALLEY RANCHES, INC., *debtors in bankruptcy*

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto WESTERN LAND & CATTLE CO., a partnership composed of Oather C. Vance, Robert D. Willis and Joseph N. Fenn grantee, the following described real estate, to-wit:

See Exhibit "A" attached hereto.

SUBJECT TO all easements, rights-of-way and restrictions of record, current taxes and assessments.

Also subject to: Mortgage dated April 30, 1965, executed by officers of Gem-Valley Ranches, Inc., an Idaho corporation, to Robert Edmund Fry and Elizabeth H. Fry, husband and wife, Mortgagees; to secure payment of \$750.00 and interest; recorded September 8, 1965, in Book 63 of Mortgages at page 287, Instrument #126214, records of Elmore County, Idaho.

Mortgage dated April 30, 1965, executed by officer of Gem-Valley Ranches, Inc., an Idaho corporation, to Natalie J. Fry, a widow, as Mortgagee; to secure payment of \$750.00 and interest; recorded September 8, 1965, in Book 63 of Mortgages at page 287, Instrument #126215, records of Elmore County, Idaho.

Mortgage dated April 10, 1953, executed by James O. Beck and Helen Beck, husband and wife, to the Federal Land Bank of Spokane, a corporation, to secure payment of \$60,000 and interest; recorded April 18, 1953, in Book 53 of Mortgages at page 208, records of Elmore County, Idaho.

Mortgage dated April 10, 1953 executed by James O. Beck and Helen Beck, husband and wife, to The Federal Land Bank of Spokane, a corporation, to secure the payment of \$60,000.00 and interest; recorded April 24, 1953, as Instrument No. 345090, records of Ada County, Idaho.

Unrecorded State of Idaho land Contracts on Tract 4, referred to in Exhibit "A".

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 20th day of May, 1971.

GEM-VALLEY RANCHES, INC.

By George Russell
PRESIDENT.

ATTEST: J. M. Epeneter
SECRETARY.

STATE OF IDAHO, COUNTY OF Ada
On this 20th day of May, 1971,
before me, a notary public in and for said State, personally appeared GEORGE V. RUSSELL and J. M. EPENETER, 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.

Thomas J. Clark
Notary Public

Residing at Boise, Idaho
Comm. Expires

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19 _____, in my office, and duly recorded in Book _____ of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

INSTRUMENT No.

EXHIBIT "A"

The description of each of the tracts is as follows:

TRACT I: Located in Elmore County, Idaho.

All of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 13, Township 1 North, Range 4 East, Boise Meridian, lying North and East of Yates Center Highway District right-of-way.

The E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ and Lot 1 of Section 18, Township 1 North, Range 5 East, Boise Meridian,

EXCEPTING THEREFROM:

Beginning at the intersection of the centerline of the Yates Center Highway District right-of-way and the centerline of the Corder Lane which proceeds in a Northeasterly direction to the headwaters of Indian Creek and running thence

Northwesterly; along the centerline of the Yates Center Highway District right-of-way, 330.0 feet; thence

Northeasterly on a line parallel with and a distance of 330.0 feet perpendicularly from the centerline of the Corder Lane, a distance of 330.0 feet; thence

Southeasterly on a line parallel with the centerline of the Yates Center Highway District right-of-way, 330.0 feet; thence

Southwesterly along the centerline of the Corder Lane, 330.0 feet, more or less, to the point of beginning.

All that portion of Lots 2, 3 and 4 of Section 18, Township 1 North, Range 5 East, Boise Meridian, and

All that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, and

All that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 24, Township 1 North, Range 4 East, Boise Meridian, lying South and East of the described line follows:

Beginning at a point, the same being 750.0 feet North of the quarter corner common to said Sections 13 and 18, said point being in the center of the Boise-Mayfield road; running thence Southeasterly following such road a distance of 1815 feet, to the junction of such road and the road from Regina; thence Southwesterly following such Regina road a distance of 3400 feet to a point on the West boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24, Township 1 North, Range 4 East, B.M., such point being 174 feet South of the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Said section 24.

Part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Part of Government Lot #3 in Section 18, Township 1 North, Range 5 East, B.M., lying Northeasterly of the public highway running through said subdivisions of Section 18, being more particularly described as follows:

Beginning at a point whence the NE corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18 Township 1 North, Range 5 East, B.M., bears East a distance of 1895 feet; thence running

South 39° East 568 feet; thence
South 34°30' East 482 feet; thence
South 84° East 105 feet; thence
North 86°30' East 180 feet; thence
South 51°30' East 111 feet; thence
South 40°45' East 250 feet; thence
South 49° East 334 feet; thence
East 482.5 feet; thence
North 1320 feet; thence
West a distance of 1895 feet to the point of beginning.

Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7;
Lots 1 and 2, ~~NE $\frac{1}{4}$ NW $\frac{1}{4}$~~ and NE $\frac{1}{4}$ of Section 19;
W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 17;
E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 20;
W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 21;
NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5;
E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ and S $\frac{1}{2}$ of Section 8;
E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17;
All in Township 1 North, Range 5 East, Boise Meridian,

W $\frac{1}{2}$ SW $\frac{1}{4}$ and that part of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, Township 1 North, Range 5 East, Boise Meridian, more particularly described as follows

Beginning at a point 642 feet North of the SW corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 9 and running thence
East 148 feet; thence
North 82°45' East 60 feet; thence
South 4°30' East 250.0 feet; thence
South 37°30' East 280.0 feet; thence
North 69°30' East 155.0 feet; thence
North 55°0' East 435.0 feet; thence
North 54°30' East 330.0 feet; thence
North 73°15' East 120.0 feet; thence
North 54°30' East 47.0 feet; thence
South 736.0 feet; thence
West 1320.0 feet; thence
North 642.0 feet to the point of beginning.

- E $\frac{1}{2}$ N $\frac{1}{2}$ of Section 34,
- W $\frac{1}{2}$ N $\frac{1}{2}$ of Section 35 in Township 1 North, Range 4 East, Boise Meridian

TRACT II: Located in Elmore County, Idaho.

- ✓S $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 26;
 - ✓S $\frac{1}{2}$ SE $\frac{1}{2}$ and S $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 27;
 - ✓NE $\frac{1}{4}$ and SE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33;
 - ✓NE $\frac{1}{4}$ and SE $\frac{1}{4}$ and SW $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 34;
 - ✓SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35;
- All in Township 2 North, Range 5 East, Boise Meridian.

- ✓Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 1;
- ✓All of Section 2;
- ✓All of Section 3, EXCEPT the NE $\frac{1}{4}$ SE $\frac{1}{4}$ thereof;
- ✓Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 4;
- ✓Lots 1 and 2 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5;

- NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ and that portion of NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9 described as follows:

Beginning at a point, the same being 642 feet North of the Southwest corner of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 9, Township 1 North, Range 5 East, B.M., and running thence

North 678 feet; thence
East 1320 feet; thence
South 584 feet; thence
South 54°30' West 47 feet; thence
South 73°15' West 120 feet; thence
South 54°30' West 330 feet; thence
South 55°00' West 435 feet; thence
South 69°30' West 155 feet; thence
North 37°30' West 280 feet; thence
North 4°30' West 250 feet; thence
South 82°45' West 60 feet; thence
West 148 feet to the point of beginning.

- ✓All of Section 10 EXCEPT the NW $\frac{1}{4}$ NW $\frac{1}{4}$ thereof; and the E $\frac{1}{2}$ SE $\frac{1}{4}$ thereof,
 - ✓the N $\frac{1}{2}$ of Section 11;
 - the NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12;
 - the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15;
- All in Township 1 North, Range 5 East, Boise Meridian,

- Lots 3 and 4 in Section 7, Township 1 North, Range 6 East, B.M.,

TRACT III: (a) Located in Elmore County, Idaho.

- ✓E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 14;
 - ✓E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 23;
 - ✓Lot 9 and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24;
 - ✓W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25;
 - ✓N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26;
 - ✓SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33;
- All in Township 2 North, Range 6 East, Boise Meridian,

✓ Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 1;
✓ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3;
✓ Lots 1, 2 and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 4;
✓ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10;
✓ N $\frac{1}{2}$ of Section 12;
✓ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 15;
All in Township 1 North, Range 6 East, Boise Meridian,

✓ Lots 3 and 4 in Section 2;
✓ Lots 1, 2 and 3, S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 3;
✓ W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 13;
✓ E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 14;
✓ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15;
✓ N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ of Section 22;

✓ All of Section 23;
✓ W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and S $\frac{1}{2}$ of Section 24;
✓ W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25;
✓ N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26;
And that portion of Section 26 described as follows:

Beginning at the quarter section corner common to Sections 26 and 27, in Township 1 North, Range 4 East, B.M., and running thence North on the Section line 250.0 feet to a point being the REAL POINT OF BEGINNING; thence running North 58°10' East along a fence 1554.3 feet to the 1/16 line, running thence North 243.0 feet to the 1/16 corner; running thence West 1320 feet to the 1/16 corner; running thence South 1070 feet to the Real Point of Beginning.

The NW $\frac{1}{4}$ of Section 27, and that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 1 North, Range 4 East, B.M., described as follows: Beginning at a point which is 1320 feet South of the section corner common to Sections 22, 23, 26 and 27, T1N, R4E, B.M., said point being the REAL POINT OF BEGINNING, running thence South on the Section line 1070 feet to a fence; running thence South 58°10' West 488.6 feet to the 1/16 line; running thence West 905.0 feet to the 1/16 line, running thence North 1320 feet to the 1/16 corner; and thence East 1320 feet to the Real Point of Beginning.

And that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27 described as follows: Beginning at a point 415.0 feet West of the quarter corner common to Sections 26 and 27, Township 1 North, Range 4 East, B.M., said point being the REAL POINT OF BEGINNING; running thence West 905.0 feet to the 1/16 corner; thence South on the 1/16 line 561.8 feet to a point; thence North 58°10' East 1065.6 feet to the Real Point of Beginning.

And that portion of NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27 described as follows: Beginning at the section corner common to Sections 22, 23, 26 and 27, Township 1 North, Range 4 East, B.M., running thence West 1320.0 feet to the 1/16 corner; running thence South 1050.0 feet to a point 25.0 feet North of the center line of the County Road; running thence North 51°30' East a distance of 1694 feet to the point of beginning.

All in Township 1 N., R. 4 E., B.M.

✓The SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26;
✓the S $\frac{1}{2}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27;
And that portion of SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, described as follows:
Beginning at a point which is the SW corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section
27, Township 2 North, Range 4 East, B.M., running thence
North along the West boundary line of said Quarter, a distance of
745 feet; thence
Southeasterly to a point on the East boundary of said Quarter, said
point being 505 feet North of the SE corner thereof; thence
South to the SE corner of said Quarter; thence
West a distance of 1320 feet along the South boundary of said
Quarter to the point of beginning.

✓The N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{2}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34;
✓N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35;
All in Township 2 North, Range 4 East, Boise Meridian.

✓Lots 3 and 4 in Section 19,
in Township 1 North, Range 5 East, Boise Meridian.

✓Lots 3 and 4 in Section 2,
in Township 1 South, Range 5 East, Boise Meridian.

TRACT III. (b) Located in Ada County, Idaho.

The real property situate in the County of Ada, State of Idaho,
particularly described as follows, to-wit:

✓The east half of Section 4; the south half of the Northeast
quarter, the southeast quarter, and the east half of the
southwest quarter, of Section 8; in T1N, R4E, B.M.

✓The east five-eighths of the southeast quarter of the northeast
quarter, and the southwest quarter of the southeast quarter,
of Section 33; in T2N, R4E, B.M.

TRACT IV: Located in Elmore County, Idaho.

✓SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5;
in Township 1 North, Range 5 East, Boise Meridian.

TRACT V: Located in Elmore County, Idaho.

✓S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25;
✓SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26;
✓SE $\frac{1}{4}$ of Section 34;
✓SW $\frac{1}{4}$ of Section 35; EXCEPTING that portion conveyed to the State of
Idaho by Rights-of-way Deed recorded October 30, 1929, in Book 1
at page 296, records of Elmore County, Idaho; for public road fo
ever over SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34;
All in Township 1 North, Range 4 East, Boise Meridian.

✓NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3;
✓NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10;
✓SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 19;
All in Township 1 North, Range 5 East, Boise Meridian.

JOSEPH J. THACKABERRY
LAND MANAGEMENT CONSULTANT

(208) 345-0975

March 18, 1974

RECEIVED
MAR 19 1974
528 Idaho Building
P. O. Box 1405
Idaho 83701
Department of Water Administration

Mr. Robert W. Hamilton
Supervisor of Water Distribution
Department of Water Administration
614 State Street
Statehouse - Annex 2
Boise, Idaho 83720

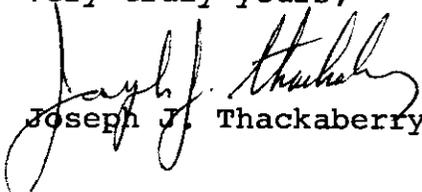
Re: Application for Transfer of Water Right No. 63-2046

Dear Mr. Hamilton:

In reply to your letter of March 7, 1974, to Western Land & Cattle Company, a copy of which is enclosed for your reference, I enclose a copy of the deed running from Gem Valley Ranches, Inc. to Western Land & Cattle Co., a partnership.

By Contract of Sale dated May 21, 1971, the parties did agree to buy and sell lands as indicated in the deed. The deed is still in escrow, but will be delivered to the buyer when the contract is completed.

I trust this is the information you need, but if you should need anything further, please let me know.

Very truly yours,

Joseph J. Thackaberry

JJT/bm

Enclosure

CC: Mr. Joseph N. Fenn

63 2046

March 7, 1974

Western Land & Cattle Company
Mayfield Stage
Boise, Idaho

Re: Application for Transfer of Water Right No. 63-2046

Gentlemen:

Before we can complete the processing of your transfer application, we will need proof of ownership of the water right being transferred. A copy of your deed showing ownership of the land from which the water is being taken would serve our purpose.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:sw

63 2046

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Division
Dam and Reservoir Safety
Water Well Division
Waste Disposal Wells
Stream Channel Protection

February 8, 1974

Mountain Home News
P. O. Drawer 0
Mountain Home, ID 83647

Re: Proposed Change of Water Right No. 63-2046 - Western Land & Cattle Co.
Application for Permit No. 63-7929 - Gayle William Beavers
Application for Permit No. 63-7931 - Western Land & Cattle Co.

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

Bill submitted 2-26-74 by df

63 2016

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 63-2046**

Notice is hereby given that Western Land & Cattle Company of Mayfield Stage, Boise, ID has applied to the Department of Water Administration for a change of point of diversion & place of use of the waters of Indian Creek, trib. to Indian Creek Reservoir. The right sought to be changed is evidenced by License No. 63-2046 and is recorded as follows. Amount 3.4 c.f.s. Priority: Nov. 7, 1906 Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 19, T. 1 N., R. 5 E., B.M., Elmore County. The water is used for irrigation purposes within SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S 24, T. 1 N., R. 5 E., B.M.

TO BE CHANGED AS FOLLOWS

Amount: 3.4 c.f.s. Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 17, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S. 8, T. 1 N., R. 5 E., B.M. The water will be used for irrigation purposes within SE $\frac{1}{4}$ SW $\frac{1}{4}$, S. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, S. 18, T. 1 N., R. 5 E., B.M.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration on or before March 4, 1974.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mountain Home, Idaho on Feb. 14, 1974 and Feb. 21, 1974.

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63-2046

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 63-2046

Notice is hereby given that WESTERN LAND & CATTLE COMPANY
of Mayfield Stage, Boise, ID has applied to the Department of Water
Administration for a change of point of diversion &
place of use of the waters of
Indian Creek, trib. to Indian Creek Reservoir.

The right sought to be changed is evidenced by License No. 63-2046
and is recorded as follows.

Amount: 3.4 c.f.s. Priority: Nov. 7, 1906

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 19, T. 1 N., R. 5 E., B.M., Elmore County

The water is used for irrigation purposes within SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,

N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S 24, T. 1 N., R. 5 E., B.M.

TO BE CHANGED AS FOLLOWS

Amount: 3.4 c.f.s.

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 17, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S. 8, T. 1 N., R. 5 E., B.M.

The water will be used for irrigation purposes within SE $\frac{1}{4}$ SW $\frac{1}{4}$, S. 8,

N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, S. 18, T. 1 N., R. 5 E., B.M.

Any protests against approval of the proposed change of water right appli-
cation must be filed with the Department of Water Administration on or before
March 4, 1974.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mountain Home, Idaho

on Feb. 14, 1974 and Feb. 21, 1974.