

T582 BIG LOST RIVER IRRIGATION DIST

THIS IS TO Certify that the BIG LOST RIVER IRRIGATION DISTRICT of Mackay, Idaho, is the owner of and using a certain water right on Big Lost River in the County of Butte and the County of Custer, State of Idaho. Said water being decreed to W. L. Mattis by the decree of Judge E. S. F. of the United States District Court, District of Idaho Eastern Division, in the case of

UTAH CONSTRUCTION COMPANY, vs. J. F. ABBOTT et al

said decree bearing date of March 15, 1923, for the purpose of irrigating the following described lands, situate, lying and being, in Water District 27, in the County of Custer, State of Idaho, and subsequently transferred by the Department of Reclamation of the State of Idaho, on the following described lands to-wit:

All of Section 16 and the Northeast Quarter (NE $\frac{1}{4}$) of Section 21, Township 3 North, Range 26 East, of Boise Meridian;

THAT THE SAID Decree has been entered in the records of the Department of Reclamation, State of Idaho, in Book 5 of Decrees at Page 104;

THAT THE SAID applicant has become the owner of said land and said water right by purchase

THAT NOW, UPON THE application of the BIG LOST RIVER IRRIGATION DISTRICT for a transfer of 9.640 cubic feet per second, of said water, made before the Commissioner of Reclamation of the State of Idaho, and said application having been granted, subject to the provisions hereinafter stated, that the right to the use 9.640 cubic feet per second of the waters of BIG LOST RIVER upon the lands above described is HEREBY ADJUDICATED, and that the applicant shall have the right to the use of 15.30 cubic feet per second, of the waters of Big Lost River; and

NOW THEREFORE, by reason of Transfer No. 406, dated July 19, 1927, the applicant has the right to the use of 9.640 cubic feet per second of the waters of Big Lost River, since provisions of said Transfer penalize the applicant to the extent of thirty-seven percent of the original amount, 15.30 cubic feet per second, for transportation losses;

NOW THEREFORE, Since the applicant wishes to change the point of diversion to the original point to which the water was decreed, such transportation losses are no longer involved;

NOW THEREFORE, The applicant shall have the right to the use of 15.30 cubic feet per second of the waters of Big Lost River, and the lands, to be irrigated under such right to which the water right hereby confirmed shall become appurtenant by this Certificate for irrigation and domestic purposes, are described as follows:

All those lands situate and being within and a part of Big Lost River Irrigation District and in Township 3 North, Ranges 26 and 27 East, Boise Meridian, Township 4 North, Ranges 26 and 27 East, Boise Meridian, all in Butte County, Idaho, and in Township 5 North, Range 25 East, Boise Meridian, Butte and Custer Counties, Idaho, and in Township 5 North, Range 26 East, Boise Meridian, Butte County, Idaho, and in Township 6 North, Range 26 East, Boise Meridian, Custer County, Idaho, and in Township 6 North, Ranges 24, 25, and 26 East, Boise Meridian, Custer County, Idaho and in Township 7 North, Ranges 24 and 25 East, Boise Meridian, Custer County, Idaho, all of which foregoing lands are more particularly described in that certain list of lands entitled "LIST OF LANDS AGAINST WHICH BENEFITS ARE APPORTIONED ON ACCOUNT OF WATER AND WORKS TO BE ACQUIRED UNDER BONDS VOTED MAY 18, 1935, AS ADOPTED BY THE BOARD OF DIRECTORS OF BIG LOST RIVER IRRIGATION DISTRICT", and filed in the office of said District September 18, 1935, and filed in the office of the Clerk of the District Court of the County of Custer, State of Idaho, January 6, 1936, and in the office of the Department of Reclamation, State of Idaho, the said list being hereby referred to and by reference made a part hereof;

Said water to be limited at any time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amount to-wit:

and in Township 7 North, Ranges 24 and 25 East, Boise Meridian, Custer County, Idaho, all of which foregoing lands are more particularly described in that certain list of lands entitled "LIST OF LANDS AGAINST WHICH BENEFITS ARE APPORTIONED ON ACCOUNT OF WATER AND WORKS TO BE ACQUIRED UNDER BONDS VOTED MAY 18, 1935, AS ADOPTED BY THE BOARD OF DIRECTORS OF BIG LOST RIVER IRRIGATION DISTRICT", and filed in the office of said District September 18, 1935, and filed in the office of the Clerk of the District Court of the County of Custer, State of Idaho, January 6, 1936, and in the office of the Department of Reclamation, State of Idaho, the said list being hereby referred to and by reference made a part hereof;

said water to be limited at any time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amount to-wit:

3.2	C. F. S.	priority	June 10, 1880,	Big Lost River.	34-0818
1.70	C. F. S.	priority	June 30, 1881,	Big Lost River.	34-0811
2.20	C. F. S.	priority	June 1, 1888,	Big Lost River.	34-0810
3.20	C. F. S.	priority	June 1, 1896,	Big Lost River.	34-0814
3.20	C. F. S.	priority	June 1, 1896,	Big Lost River.	34-0819
0.80	C. F. S.	priority	March 1, 1902,	Big Lost River.	34-0817
TOTAL	15.30	C. F. S.			

THAT THE WATER hereby transferred has heretofore been conducted from Big Lost River through the West Side and Harger-Sullivan ditch, having its point of diversion in the

Southeast quarter (SE $\frac{1}{4}$) of Section 4, Township 5 North, Range, 26 East, Boise Meridian;

THAT THE WATER hereby transferred will hereafter be conducted to the new place of use through the Big Lost River having its point of diversion from Big Lost River at the Mackay Dam at a point

Section 12, Township 7 North, Range 23 East, Boise Meridian;

THAT THE LAST above described lands already have appurtenant to them a water right for a water stored in Mackay Dam Acquired by District from Utah Construction Company, as decreed to said Company in said decree.

THAT THE RIGHT To the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 10th day of September, 1937.

R. W. FARIS
Commissioner of Reclamation

By

(SEAL) /s/ PAUL H. BL
Supervisor of Water Distribution