

T0284

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
284	Bloxham, Herber et al	All Brush Creek		29-0339
	Wilding, Herber J.	2½ days rotation of Fred Aldous		29-0339A

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
Heber J. Wilding, for Transfer of)
Water Right:)
Water District No. 17-H.)
Case No. 64)

ORDER GRANTING TRANSFER.

WHEREAS, On the 21st day of August 1920, the application of Heber J. Wilding, came regularly on for hearing before the Commissioner of Reclamation of the State of Idaho; and,

WHEREAS, affidavits were filed with the application in support of the transfer of water, and no one appeared, either in person or by affidavit to protest the said application for transfer; and,

WHEREAS, the evidence filed in support of the transfer shows that a greater duty of water would result by making the transfer, and that no one would be injured thereby:

IT IS, THEREFORE HEREBY ORDERED that the said application be allowed and that a certificate of transfer be issued the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 3rd day of September, 1920.

M. G. Fureus
Commissioner of Reclamation.

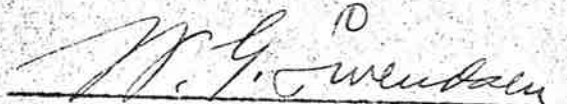
By

J. H. B. B.
Deputy.

RECORDED

No right to the use of waters on the lands herein described exists at the date of this instrument except as herein stated.

WITNESS the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 3rd day of September, 1920.


Commissioner of Reclamation.

By


Deputy.

Recorded in Water Dist. #17-H; 9-7-20-M.E.B.
Platted on Map - Water Dist. #17-H; 9-7-20-S.T.B.
Point Diversion: SE 1/4 14-115-37E.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 284.

This is to certify that HEBER J. WILDING, of Downey, County of Bannock, State of Idaho, has a right to the use of the waters of Brush Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, in the case of C. B. Hancock, et al, plaintiffs, vs. Heber Bloxum, et al, defendants, Edward A. Walters, District Judge, wherein a certain water right for two and one-half consecutive days of the waters of Brush Creek, in Water District No. 17-H, bearing date of priority of May 1, 1872, was dedicated to the following described lands: commencing at the southeast corner of the northeast quarter of Section 22, in T. 11 S., R. 37 E., B. M. running thence S. 78° 17' West 1658.5 feet to the place of beginning, thence West 4949 feet, thence North 1020.8 feet, thence East 4968.4 feet, thence South 4° 32' East 1024 feet to the place of beginning, containing 53.2 acres; also, commencing at the northwest corner of the northeast quarter of the southeast quarter of Section 22, in T. 11 S., R. 37 E., B. M. running thence West 267 feet, thence North 4° 32' West 646 feet, thence East 303 feet, thence South 40 rods to the place of beginning, containing 4.2 acres; that said decree has been entered at Boise, Idaho, in the records of the Department of Reclamation, in Book 4 of Decrees, at page 168; that, upon the application of Heber J. Wilding for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the use of the said waters of Brush Creek, is hereby abandoned upon the lands above described and the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are described as follows, to-wit: Beginning at a point on Section line 568.3 feet, more or less, East of Section corner 14, 15, 22 and 23, T. 11 S., R. 37 E., B. M.; thence North 0° 16' East 565.7 feet, more or less, thence North 76° 05' East 780.1 feet more or less; thence South 0° 02' East 758 feet, more or less, to the Forty corner between Section corner 14, 15, 22 and 23, and the quarter corner 14 and 23; thence South 0° 05' East 487 feet, more or less; thence South 80° 30' West 769.7 feet, more or less; thence N. 0° 09' West 615.5 feet, more or less to the point of beginning, containing 21.24 acres, more or less, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

That certain water right decreed to Fred Aldous
for two and one-half consecutive days, dated
May 1, 1872.

The right to the use of the waters aforesaid hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

RECORDED

1-2-84

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
FOR BANNOCK COUNTY

C. B. Hancock and J. J. Bybee,
Plaintiffs,

VS.

Heber Bloxham and T. J. Bloxham,
as executors of the estate of
John Bloxham, deceased, and W. H.
Coffin and Fred Aldous,
Defendants.

J U D G M E N T

This cause came on regularly for trial on the 29th day of April, 1909, the same being the adjourned term of the regular March, 1909, term of the above entitled Court, the Honorable Edward A. Walters, Judge of the District Court of the Fourth Judicial District of the State of Idaho, sitting as judge of the above entitled court by request of the Hon. Alfred Budge, the Judge of the said above entitled Court.

Messrs. Gray & Boyd appeared as attorneys for the plaintiffs, and Messrs. Standrod and Terrell, appeared as attorneys on behalf of the defendants and cross complainants.

The Court proceeded to the hearing of the said cause upon the complaint of the plaintiffs and the answer and the amended cross complaint of the defendants. Witnesses were called and testified for and on behalf of the plaintiffs, and the plaintiffs testimony closed, whereupon witnesses were called on behalf of the defendants and cross complainants and documentary evidence having been introduced on their behalf, the testimony of said defendants and cross complainants closed; whereupon rebut testimony was offered and submitted on behalf of the plaintiffs, and the testimony on behalf of all the parties to the action closed, and the cause was finally submitted to the Court. And the Court having duly considered all the testimony and the law and being fully advised in the premises, and having made its findings of fact and conclusions of law and ordered that judgment be entered accordingly;

RECORDED

It is therefore ordered, adjudged and decreed that the plaintiffs be noting by reason of their complaint herein, and that said complaint be dismissed absolutely;

That the defendants be, and they are entitled to the use at all times of all the waters of Brush Creek, a stream situated near Downey, in Bannock County, State of Idaho, for the purpose of irrigation and for domestic and stock purposes, their right to the use of the same to be of the same priority and of equal dignity and to date from the first day of May 1872.

That the said waters of said Brush Creek shall be used by the said defendants as follows: The said W. H. Coffin to use all of said waters of said Brush Creek for a period of three consecutive days; the said Heber Bloxham and T. H. Bloxham as executors of the estate of John Bloxham (the said right to belong to the estate of said John Bloxham) to use all the waters of said Brush Creek for a period of three consecutive days; and the said Fred Alous to use all the waters of said Brush Creek for a period of two and one half consecutive days, the same to be used alternately by the said parties;

That the said waters belonging to the said defendant, W. H. Coffin and to be used by him, as aforesaid, shall become appurtenant to the following described lands:

The east half of the Northeast quarter of Section 27, in township 11, South of Range 37, East of Boise Meridian; Also the east half of the southeast quarter of Section 22, in Township 11, South of Range 37, East of Boise Meridian, except 4.6 acres commencing at the southwest corner of the Northeast quarter of the southeast quarter of Section 22, thence East 18 rods, thence North 39 rods, thence west 17 rods, thence south 39 rods to the place of beginning, heretofore conveyed by W. H. Coffin to John D. Kent;

Also commencing at the Southeast corner of the Northeast quarter of Section 22, in township 11, South of Range 37, East of Boise Meridian, running thence west 152.2 feet, thence North 40 rods, thence east 80 rods thence south 40 rods to the place of beginning containing 21 acres;

Also commencing at the northwest corner of the northeast quarter of