

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79808

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) J. Lynn Stayner

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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FEB 05 2015

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) J. Lynn Stayner Phone (208) 766-2576

Mailing address 190 North 3900 West Malad, ID 83252 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, **attach documentation showing land and water right ownership** at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

J. Lynn Stayner
Signature of Applicant or Authorized Representative

J. Lynn Stayner 3 Feb. 15
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Update Ownership

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This transfer proposes to correct the place of use for water right 15-50. A 1907 Decree (Stayner v. St. John Irrigating Company) describes the place of use as the SESW of Section 24. The place of use has always been the SWSW of Section 24 since the time the land was homesteaded. Transfer will better define the point of diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	15-50	0.10 cfs	Domestic / Stockwater	1/1 to 12/31	Little Malad River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.10 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.10 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	SW	24	14S	35E	Oneida	Little Malad River	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	35E	24											D/S						
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

As the St. John Irrigation Co. releases amount of water designated in water right 15-50, water will arrive at location of use where it will be pumped out of the river with the maximum capacity of 5 gpm in garden hoses. Applicant J. Lynn Stayner using 3hp gas motor pump + 1 hp electric pump.

b. Who owns the property at the point(s) of diversion? Applicant J. Lynn Stayner

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Water has always been diverted and used in the SWSW of Section 24. This transfer corrects an error in the 1907 decree. Water will continue to be used on the SWSW of Section 24.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Water right 15-4163 (ground water) is used to irrigate the farm ground surrounding the house.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$ 225 - Date 2/5/2015 Received by JB Receipt # E040618

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ & W-9 ☐ (originals to state office)

1/12/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ARTHUR STAYNER ZZ

Status: Active

Tributary
MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.100 CFS	
DOMESTIC	1/01	12/31	0.100 CFS	
	Total Diversion		0.100 CFS	

LITTLE MALAD RIVER SESW Sec. 24, Twp 14S, Rge 35E, ONEIDA County

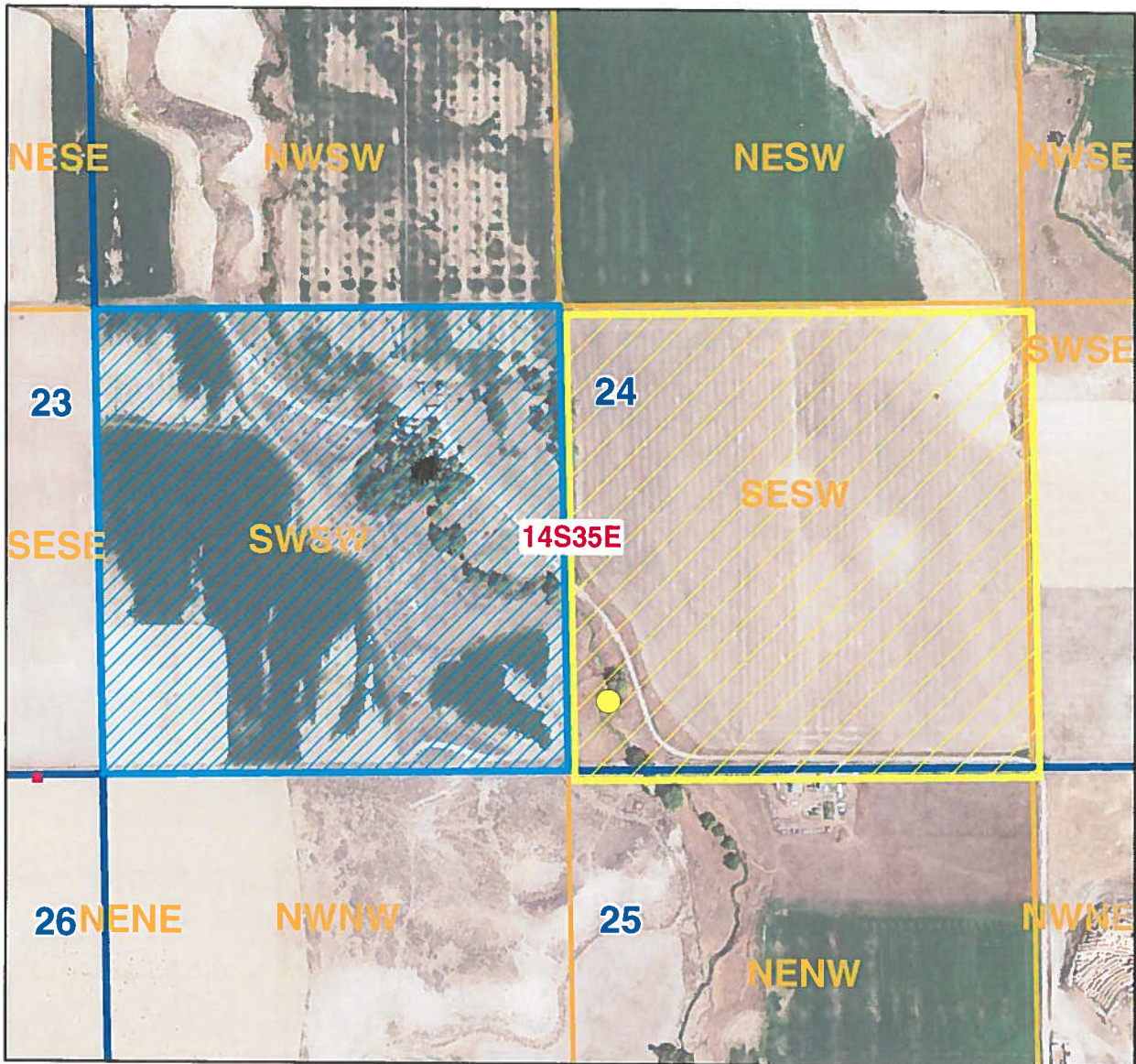
DOMESTIC within ONEIDA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	35E	24												X					

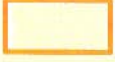
			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	35E	24												X					

1. P/D INCOMPLETE.

Stayner Application for Transfer



2013 Aerial Photo

-  Proposed POU
-  Water Right POD
-  Water Right POU
-  Township/Range
-  Sections
-  Quarter Quarters

As recorded Pro-Transfer by IDWR.

0 500 1,000 Feet



● - Actual, historical POD

RECEIVED

FEB 05 1931

Department of Water Resources
Eastern Region

THIS INDENTURE, Made this 15th day of December in the year of our Lord one thousand nine hundred and thirty-one between Authur Stayner, a widower

of Beverly Hills County of State of California the party of the first part, and
Henry E. Stayner and his wife Sarah A. Stayner
of St. John County of Oneida State of Idaho the parties of the second part,

WITNESSETH: That the said part y of the first part, for and in consideration of the sum of

One dollar

Dollars, lawful money of the United States of America, to him in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, ha s granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate situated in Oneida County, State of Idaho, to-wit:

The West half of the Southwest quarter of Section 24; and the East half of the Southeast quarter of Section 23, in Township 14 South, Range 35 East, Boise Meridian. Together with 1 -3/4 shares of the St. John Irrigation Company, a water corporation of Idaho.

Also together with all other water and water rights thereunto belonging or in anywise used upon the above described land for irrigation and culinary and domestic purposes.

Also all decreed water rights belonging to said land.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said part y of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever. And the said part y of the first part, and his heirs, the said premises in a quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said part y of the first part, and his heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal - the day and year first above written.

Signed, Sealed and Delivered in the Presence of

A. L. Taylor.

Arthur Stayner. (SEAL)

(SEAL)

(SEAL)

(SEAL)

California,
STATE OF }
County of Los Angeles } ss.

On this 29th day of December in the year 1931 before me,

F. E. Mauldin a Notary Public in and for said County, personally appeared

Arthur Stayner

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

(SEAL)
Commission Expire Dec. 30, 1934.

F. E. Mauldin
Notary Public, residing at Beverly Hills, California.

Filed for record this 2nd day of February A. D. 1932 at 3:30 o'clock P. M.

D. E. Jones, Jr.
Ex-Officio Recorder.

By L. L. Peck.
Deputy.

79808

WARRANTY DEED

THIS IDENTURE, Made this 10th day of June, in the year of our Lord one thousand nine hundred and Sixty, between Henry T. Stayner and Sarah A. Stayner his wife of Malad City, County of Oneida, State of Idaho, the parties of the first part, and J. Lynn Stayner and Phyllis Stayner, his wife of Malad City, County of Oneida, State of Idaho, the parties of the second part:

WITNESSETH, That the said part of the first part, for and in consideration of the sum of Twelve Thousand and no/100----- DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situate in the County of Oneida, State of Idaho, to-wit:

Township 14 South, Range 35 East, Boise Meridian
Section 23: South east Quarter of the Southeast Quarter (SESE)

Section 24: West half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$)

Together with one and three-fourths shares of the capital stock of the St. John Irrigating Company, also

Together with three-fifths interest in and to that certain irrigating well located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter in Section 23, Township 14 South, Range 35 East, B.M. including the pump and motor thereof.

\$13.20 Documentary Stamps attached and duly cancelled.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Henry T. Stayner (SEAL)

Sarah A. Stayner (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO, }
COUNTY OF Oneida } ss.

On this 11th day of June in the year 1960, before me, J. W. Crowther, a Notary Public in and for said State, personally appeared Henry T. Stayner and Sarah Stayner, his wife

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that he 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.

(SEAL)

J. W. Crowther
Notary Public for the State of Idaho, residing at
Malad City, Idaho.

STATE OF IDAHO, }
COUNTY OF ONEIDA, } ss.

Filed for record this 13th day of June

Colen H. Sweeten, Jr.

Ex-Officio Recorder.

, A.D. 1960, at 3:05 o'clock P. M.
By Rachel Hughes Deputy.

In the District Court of the Fifth Judicial District of Idaho in
and for Oneida County.

Arthur Stayner Plaintiff

VS

St. John Irrigating Company Defendant
A Corporation

)
)
) Findings of fact and
) Conclusion of Law
)

This cause came on regularly for Trial on the 28th Day of January 1907, D. C. McDougall appearing as Counsel for the Plaintiff and T. D. Jones Esq. appearing as Counsel for the Defendant:

The Court proceeded to hear the testimony offered on part of the Plaintiff and the Defendant, a jury having been waived.

After the receipt of all the evidence offered and the argument of the respective counsel the Court took the matter under advisement; it was stipulated by respective counsel that the Court might render his findings and conclusions in said case and the judgment be filed at any time up to and including the June term of this Court.

Now the Court being fully advised in the premises comes now and files its findings of facts. The Court finds 1st that in the year 1886 that one Joseph Smith appropriates a large amount of water of the Little Malad River in Oneida County, Idaho, for irrigation, domestic and cullinary and stock purposes and used the same continuously until the year 1888.

2nd; In the year 1888 the said Joseph Smith conveyed by deed all of the said water right to the St. John Irrigating Company, excepting the reserving a sufficient amount at what is known as the Big Bend Ranch, for domestic and cullinary and stock purposes.

3rd; That on the 30th Day of May 1888, the said defendant, made and executed a contract in writing and entered the same on its records, that in case there was not sufficient water arising below the St. John Dam for to reach the Big Bend Ranch for domestic, stock and cullinary purposes the Company would let down sufficient water for that purpose.

4th; That on the first day of June 1888 the said Smith executed a deed to the said Company, in which the said agreement is referred to and made part of the consideration thereof.

5th; That the said St. John Irrigating Company has since said date up to the year 1904 always recognized and carried out the said agreement and at all times kept sufficient water in the channel of said stream at said points for said purposes.

6th; That the said Joseph Smith conveyed the said Big Bend Ranch and said water right to one S. L. Richards who afterwards conveyed this same to the Plaintiff.

7th; That 1/10 of a cubic foot per second of time is necessary amount of water for the said domestic, stock and cullinary purposes.

8th; That the place of use thereof by the Plaintiff is on the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, Tp. 14, S. R. 35 E.B.M. near the South Line thereof.

9th; That since 1904 the Defendant has prevented the flow of said waters.

CONCLUSIONS OF LAW

From the foregoing facts the Court finds that the Plaintiff is the owner and at all times entitled to the flow and use of 1/10 cubic foot per second of time of the water of the Little Malad River for domestic and stock and cullinary purposes upon the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, Tp. 14 S. R. 35 E. B. M.

2nd; That the Plaintiff is entitled to judgment enjoining the

Defendant from depriving the Plaintiff of the said amount of said water at said point, and for his costs Judgment is ordered accordingly.

Dated June 19th, 1907.

Alfred Budge
District Judge

In the District Court of the Fifth Judicial District of Idaho in and for Oneida County.

Arthur Stayner Plaintiff

VS

The St. John Irrigating Company Defendant JUDGMENT AND DECREE
A Corporation

This cause having been heard by the Court, without a jury on the 28th day of January 1907, D. C. McDougall appearing as counsel for the Plaintiff and T. D. Jones appearing for the Defendant and the Court having heard the evidence and the argument of Counsel and having fully considered the matter and rendered and filed its findings of fact and conclusions of law, and ordered judgment in favor of the Plaintiff.

15 005C Now therefore in consideration of the law and the premises it is ordered, adjudged and decreed that the Plaintiff Arthur Stayner is the owner of and at all times entitled to 1/10 cubic foot per second of the water of the Little Malad River, his right to date from the year 1888, for domestic, stock and cullinary purposes at the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24 Tp. 14 S. R. E. B. M. and that the Defendant, its agents, servants, officers and successors be and they are hereby forever enjoined and restrained from diverting or depriving the Plaintiff thereof. That the Plaintiff have and recover from the Defendant his costs and disbursements in said action.
Taxed at \$49.10.

Dated this the 19th Day of June 1907.
Filed June 19th, 1907.

Alfred Budge
District Judge

John J. Evans Clerk
By W. H. Richards Deputy