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IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT
OF IDAHO, EASTERN DIVISION.

RECEIVED

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THE UTAH CONSTRUCTION COMPANY,
a Corporation,
Department of Reclamation,

Plaintiff,

vs.

JOHN F. ABBOTT, et al

Defendants.

ORDER
IN EQUITY NO. 222

WHEREAS, a decree was entered in the above entitled cause March 15, 1923, by the Honorable E. S. Farrington, United States District Judge, adjudicating the waters of Big Lost River and its tributaries, a stream situate in Butte and Custer Counties, State of Idaho, and decreeing to the plaintiff and to the several defendants named in said decree, certain water rights from Big Lost River and its tributaries, as more particularly set forth in said decree; and,

WHEREAS, the said decree expressly reserves jurisdiction in this Court to supervise and enforce the administration thereof through a Commissioner appointed by the Court; and

WHEREAS, this Court has heretofore appointed Roy W. Thompson as such Commissioner to supervise and enforce the administration of said decree; and

WHEREAS, said decree provides that the administration thereof shall at any time the Court deems it proper to discharge said Commissioner, be left with the officials of the State of Idaho charged with the duty of supervising the distribution of the public waters within the said State, the costs and expenses of such administration to be defrayed as provided by the Statutes of Idaho; and

WHEREAS, there is now no further necessity for this Court to retain jurisdiction of the administration of this decree by continuing the appointment of its Commissioner for this purpose, and it now appears to this Court that it is proper to discharge said Commissioner and to leave the administration of said

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decree with the officials of the State of Idaho charged with the duty of supervising the distribution of the public waters within the State of Idaho.

NOW, THEREFORE, it is hereby ordered that Roy W. Thompson, the Commissioner now in office by appointment of this Court, be, and he is hereby discharged, and the administration of the decree herein is hereby left with the officials of the State of Idaho, charged with the duty of supervising the distribution of the public waters within said State, the costs and expenses of such administration to be defrayed as provided by the statutes of the State of Idaho.

It is further ordered that any and all parties to said decree to whom water was decreed by said decree, or their successors in title, who have not paid their pro rata share of the administrative costs of the said Roy W. Thompson as such Commissioner, are hereby required to pay said costs and the said Roy W. Thompson is hereby authorized to collect the same.

Dated at Pocatello, Idaho, this 26th day of October, 1936.

CHARLES C. GAVANAH
United States District Judge.

Endorsed, Filed at 11:30 A. M.
October 27, 1936
W. D. McREYNOLDS, Clerk
By Vivian R. Schultz, Deputy

MAY 28 1996

B. A. Pearson

✓ (a) 1896-June 1 ✓ 1.6 c.f.s.

34 0617 ✓

✓ (b) 1884-September 1, 3.2 c.f.s.

34 0618 ✓

✓ (c) 1886-June 30 ✓ 0.06 c.f.s.

34 0619

✓ (d) 1896-June 1 ✓ 0.28 c.f.s.

34 0620

NO. 399.

To be diverted from Big Lost River through the Island ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

The East half of the Southeast quarter of Section 15, Township 5 North, Range 26 East, B.M., and

To be diverted from Big Lost River through the West Side ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

Lots 1 and 2 and the South half of the Northeast quarter of Section 4, Township 4 North, Range 26 East, B.M., and

to be diverted from Big Lost River through the Moore canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Beginning at a point 264 feet West of the Northeast corner of the Northwest quarter of Section 28, Township 5 North, Range 26 East, B.M., thence South 165 feet, thence East 264 feet, thence South to the O. S. L. Ry. right of way, thence following said right-of-way in a Northwesterly direction to the North line of said Section 28, thence East along the North line of said Section 28 to the point of beginning, containing 3 acres more or less, and

To be diverted from Big Lost River through the Moore canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B.M., for the irrigation of the following described land, to-wit:

Block 11 of Pearsons Addition to the town of Moore, Butte County, Idaho, exce lot 2 thereof.

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This

• Right has been

Decreed in the

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SRBA.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5609/67029

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Cannon Shelley Property Limited Partnership, Everett T. Acor, Jr., and Kurt P. Acor Phone (208) 523-0620
Post Office address P.O. Box 50130, Idaho Falls, ID 83405

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 reconfigure water rights on land
2. Describe the reason for the proposed changes To divide water rights to conform to division of land as a result of sale of land by Acors to Cannon.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
34-00256 ✓ 13659	06/01/1889	0.970	Irrigation	04-15 to 10-15
34-00416 ✓ 13661	06/01/1896	1.000	Irrigation	04-15 to 10-15
34-00618 ✓	09/01/1884	3.200	Irrigation	04-15 to 10-15
34-02330B ✓	06/01/1977	1.750	Irrigation	04-15 to 10-15
34-02426E ✓ 13663	04/06/1982	1.260	Irrigation	04-15 to 10-15
34-07077 ✓	09/05/1974	8.000	Irrigation	04-15 to 10-15
34-07080B ✓	09/23/1974	5.330	Irrigation	04-15 to 10-15
34-07092 ✓	01/14/1975	12.00	Irrigation	04-15 to 10-15
34-07120 ✓	12/17/1975	2.000	Irrigation	04-15 to 10-15
34-07121A ✓	01/09/1976	0.460	Irrigation	04-15 to 10-15
34-07121B ✓	01/09/1976	3.740	Irrigation	04-15 to 10-15
34-12376 ✓	06/01/1977	1.250	Irrigation	04-15 to 10-15

2. Total amount of water being transferred 40.26 cubic feet per second and/or acre-feet per annum.

3. Source of water Big Lost River - 34-00256, 34-00416 and 34-00618 tributary to sinks
Source of water Groundwater - all others tributary to sinks

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SE	4	5N	26E	Butte ✓	Moore Diversion for 34-00256, 34-00416 and 34-00618 ✓
	SE	NW	SE	29	5N	26E	Butte ✓	Harold Babcock well for 34-02330B and 34-12376 ✓
	SW	SE	NE	32	5N	26E	Butte ✓	North McAfee well for 34-02426B and 34-07121B ✓
	SW	NE	SE	32	5N	26E	Butte ✓	South McAfee well for 34-07080B and 34-07121A ✓
3	NE	NE	NW	5	4N	26E	Butte ✓	Niederer wells (2) for 34-07092 ✓
	NW	NW	NW	21	5N	26E	Butte ✓	Burnett well for 34-07077 and 34-07120 ✓

SUPPORT DATA

IN FILE # 36-13659

T 5609/67029