

No Color
Documents
In File

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Lindburg, Wm. A.	1.25		34-0481
509	Lindburg, Cecil B.	1.25	0	34-0481A

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 509

THIS IS TO CERTIFY, That CECIL B. LINDBURG is the owner of, and using, a certain water right bearing date of priority of November 15, 1883 for 1.25 cubic feet per second, and October 15, 1893 for 1.50 second feet of the waters of ANTELOPE CREEK, tributary to BIG LOST RIVER, Counties of Butte and Custer, State of Idaho, decreed to WILLIAM A. LINDBURG by decree of Judge FARMINGTON of the United States District Court, in and for the District of Idaho, Eastern Division, in the case of:

UTAH CONSTRUCTION COMPANY -vs- JOHN 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 No. 27-D in the Counties of Butte and Custer, State of Idaho, to-wit:

NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 6 N., Range 25 East, B. M; and,

THAT, Said decree has been entered in the records of the Department of Reclamation of Idaho in Book 5 of Decrees at page 104; and

THAT, Said CECIL B. LINDBURG is the person who has become the owner thereof through purchase; and

THAT, Upon the application of CECIL B. LINDBURG for a transfer of water right made before the Commissioner of Reclamation of Idaho, and the said application having been granted, the right to the use of 2.75 cubic feet per second of the waters of ANTELOPE CREEK upon the lands above described is hereby abandoned, and the lands to be irrigated under such right and to which the water right, hereby confirmed, shall become appurtenant, by this certificate, for irrigation and domestic purposes are described as follows:

NE $\frac{1}{4}$, Section 35, Township 6 North, Range 25 East of Boise Meridian

said water to be 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:

1.25 cubic feet per second dated November 15, 1883
1.50 cubic feet per second dated October 15, 1893

The water right hereby transferred has heretofore been diverted from said ANTELOPE CREEK at a point in the:

NE¹/₄, Section 21, Township 5 North, Range 25 East, B. M.

through a ditch known as the HANRAHAN DITCH; and will hereafter be diverted at the same point and through the same ditch;

THAT, The last above described lands have the right to the use of part of 75 inches bearing date of May 10, 1897, and diverted through the HOUSTON DITCH from BIG LOST RIVER; and

THAT, The right to the use of 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.

WITNESS, The seal and signature of the Commissioner of Reclamation of Idaho affixed at Boise, this 16th day of December, 1931.



Commissioner of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of CECIL B. LINDBURG for a Trans- :
fer of Water - District No. 27-D)

ORDER GRANTING TRANSFER

WHEREAS, On the 15th day of December, 1931, at the Department of Reclamation of Idaho at Boise-Idaho, the matter of Application of CECIL B. LINDBURG for a transfer of water right came regularly on for hearing, pursuant to the published notice; and

WHEREAS, No protest has been filed against the said application, and the evidence filed by the applicant with his said application shows that a greater duty of water would result by reason of the transfer, and that no one would be injured thereby;

IT IS, THEREFORE, HEREBY ORDERED, That the said application be, and the same is, hereby granted and that a certificate of transfer of water right be issued the applicant herein, as provided by the laws of Idaho;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise-Idaho, this 16th day of December, 1931.



Commissioner of Reclamation

RECORDED
INDEXED

IN EQUITY NO. 222

DECREE

IN THE UNITED STATES DISTRICT COURT, IN

AND FOR THE DISTRICT OF IDAHO, EASTERN

DIVISION

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

John F. Abbott, William Adams, A. P. Adair, Esther L. Adair (successor in interest of A. P. Adair, Eugene A. Ahern, Andreas Aikele (or A. Aiken), Calvin S. Allen, Frank A. Allen, Gladys Allen, L. C. Allen, Richard Roe Alson, George L. Ambrose, Charles B. Anderson, Francis G. Anderson (or Francis C. Anderson, F. Gus Anderson (or F. G. Anderson or Gus Anderson,) H. W. Anderson, Hyrum Anderson, James E. Anderson, Jas. Earl Anderson, J. L. Anderson, James P. Anderson, Josephine Anderson, J. Wesley Anderson, Jos. W. Anderson (or J. W. Anderson), N. A. Anderson, Niels R. Anderson, Peter C. Anderson (or P. C. Anderson), S. W. Anderson, W. W. Anderson, Louis Andreason (or Lewis Andreson), H. W. Angelo (or Wallace Angelo), Frank Anthony, Marie L. Anthony, Arco Townsite Company, an unincorporated Association; Eleazer Asay, Ernest W. Asay, Emma M. Ashton, Margaretta S. Askew, Anna Atha (or Annie Atha), Ivan J. Atwood, J. H. Augustine.

Mrs. Hannah Babcock (or Mrs. Albera Babcock, A. Rowley Babcock (or R. Babcock), William Babcock (now deceased), Jacob F. Baird, Bank of Nyssa, an Oregon Banking corporation; John L. Bardsley, Josie Bardsley, Jerome K. Bartlett (or J. K. Bartlett), A. H. Bascom, E. W. Bascom, Pete Basick, Harlow Bassett (or H. Bassett), Clara M. Bate, J. M. Bate (or Joseph M. Bate), Ralph Bate, E. J. Bates, Leslie Bates, Erin Beal (or Aron Beal) or C. Bealy, Eldon E. Beck; J. W. Beck and John Doe (or John Pingree) and Richard Roe (or F. S. Lack,) as statutory trustees of Beck Land/Livestock Company, a defunct Idaho Corporation; William Beck, Beck Land and Livestock Company, an Idaho corporation; A. W. Bell, Lee Bell, John C. Bell, J. L. Bell, George Bennett (or George Bennetts), James Bennetts, F. S. Bernard, John Bernard (successor in part to New World Life Insurance Company); Gus Bertsch, Agnes T. Best (or Agnes Best), Harold C. Best (or Harold Best), Alexander Beverland, Francis Beverland (successor in interest of James Beverland), George Beverland, Effie Beverland (or Mrs. George Beverland), James Beverland, as executor of the estate of Charles Beverland, deceased; James Beverland, Joana Beverland, Henry Bews (or Harry Bews), Peter Bidegain, Lota C. Billings, Elizabeth Bills, John L. Bills, Norman Bills, Ole Bills, Albert F. Bischoff (or A. F. Bischoff), Lewis A. Bitton (or John Doe Britton), Zina Bitton (or Zina Britton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Heber G. Johnson); Charles H. Black, Mary E. Black, Nils S. Bladh (successor in interest of Ole Bills), John L. Blosser (or John L. Blasser), Henry Blattner, Lulu E. Bliss, Phillip R. Bliss, Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Joseph A. Boillin, Rhoda Boling, Rachael Boone, Wm. A. Boone, David S. Boyack (or D. Boycock or David D. Boycock, Jr.), Sylvanus Boyack (or S. Boycock), Mary E. Boyd, Robert G. Boyd (successor in interest of Charles H. Hampton), I. W. Boyer, Elizabeth Bradshaw (now deceased), George Bradshaw, John Bradshaw, Pearl Bradshaw, William Bradshaw, William Bradshaw, as administrator of the estate of Elizabeth Bradshaw, deceased (substituted for Elizabeth Bradshaw deceased); Francis Braithwaite, R. F. Braithwaite (or Robert Braithwaite), William F. Braithwaite, H. C. Brake, William H. Brashear, H. T. Brengman, Charles Brown, Edna Brown, Edna E. Brown, as executrix of the estate of Martin W. Brown, deceased (substituted for

William E. Lindburg

✓ (a) 1897-May 10 ✓ 34 0480 1.5 c.f.s.

To be diverted from Big Lost River through the Ruston Ditch having its point of diversion in the Northeast quarter of Section 33, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

The Northeast quarter and the North half of the Southeast quarter of Section 35, Township 6 North, Range 25 East, B. M., and

To be diverted from Antelope Creek through the Hamrahan ditch having its point of diversion in the Northeast quarter of Section 21, Township 8 North, Range 25 East, B. M., for the irrigation of the land last above described.

To be diverted from Warm Springs Creek through a private ditch having its point of diversion in the Southeast quarter of Section 27, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

The West half of the Southeast quarter and the East half of the Southwest quarter of Section 24, Township 8 North, Range 22 East, B. M.

To be diverted from Big Lost River through the Lower McGowan ditch, otherwise known as the Gray ditch, having its point of diversion in the Southeast quarter of the Southwest quarter of Section 13, Township 6 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

The South half of the Northeast quarter and the Southeast quarter of the Northwest quarter of Section 19, Township 6 North, Range 26 East, B. M.

To be diverted from Big Lost River through the Upper Burnett ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

Lot 2, the Southeast quarter of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 7, Township 6 North, Range 26 East, B. M.

To be diverted from Big Lost River through a private ditch having its point of diversion in the Northwest quarter of Section 23, Township 4 North, Range 26 East, B. M., for the irrigation of 65 acres of land in the following described legal subdivisions, to-wit:

The South half of the Southeast quarter of Section 23, Township 4 North, Range 26 East, B. M.

To be diverted from Big Lost River through the Upper Burnett ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M. for the irrigation of the following described land, to-wit:

✓ (b) 1883-November 15 ✓ 34 0481 1.25 c.f.s.
Trans # 509 - 1.25 cfs

✓ 1893-October 15 ✓ 34 0482 1.50 c.f.s.
Trans # 507 - 1.50 cfs

No. 301

Lester Lingenfelter

✓ 1902-April 1 ✓ 34 0483 3.2 c.f.s.

No. 302

H. E. Lisonbee

✓ 1899-June 1 ✓ 34 0484 2.0 c.f.s.
1894 " " "

2.0 Trans. No. 441

H. E. Lisonbee

No. 303

H. E. Lisonbee

✓ 1887-June 30 ✓ 34 0485 0.8 c.f.s.

✓ 1899-June 1 ✓ 34 0486 1.6 c.f.s.

No. 304

Eloda M. Long Fryar

(Formerly Eloda M.

Long and so named in plaintiff's amended complaint).

✓ 1901-October 20 ✓ 34 0487 1.3 c.f.s.

No. 305

C. T. Longhurst

✓ 1898-June 1 ✓ 34 0488 0.8 c.f.s.

0.8-Trans. 570

Darlington Idaho
Dec 22 - 34

Dept of Reclamation
Boise Idaho.

Dear sir,

Enclose find a one dollar
bill for transfer certificate

Yours truly
C B Lundberg.
Darlington
Ida

MICROFILMED

December 16, 1931

Re: TRANSFER OF WATER RIGHT No. 509

CECIL B. LINDBURG
Darlington
Idaho

Dear Sir:

No protestants appeared yesterday, the date set for hearing of your application for transfer of water right; therefore, said certificate will issue upon receipt of \$1.00, transfer fee as provided by law.

Very truly yours,

Assistant Commissioner
of Reclamation

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date November 23, 1931

ARCO ADVERTISER

Arco

Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two} ~~four~~ consecutive weeks prior to December 15, 1931, the date set for proof, the expense of the publication to be paid by the applicant, CECIL B. LINDBURG of Darlington, Idaho

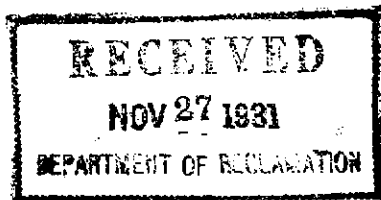
to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation



*Above notice will be published
first time on Nov. 27*
The Advertiser

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date November 23, 1931

ARCO ADVERTISER

Arco

Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two}~~four~~ consecutive weeks prior to December 15, 1931, the date set for proof, the expense of the publication to be paid by the applicant, CECIL B. LINDBURG of Darlington, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

RECORDED
INDEXED

Notice of Proposed Transfer of Water Right

Notice is hereby given that CECIL B. LINDBURG of Darlington,
Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 2.75 cubic feet per second of time
 of the water of ANTELOPE CREEK

from the land upon which it is now used, i. e. NE $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35, Township 6 North,
Range 25 East of Boise Meridian

to the following described tract NE $\frac{1}{4}$, Section 35, Township 6 North, Range 25 East of Boise
Meridian

And that, on the 15th day of December, A. D.
 1921, at Boise, Idaho
 before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

R. W. FARIS

Commissioner of Reclamation.

Affidavit of Publication

I, C. A. Bottolfsen, publisher of The Arco Advertiser,
a weekly newspaper of general circulation, published weekly
at Arco, Idaho, since March, 1909, do solemnly swear that a
copy of the notice, as per clipping attached, was published
weekly in the regular and entire issue of said newspaper, and
not in any supplement thereof, for two
consecutive weeks, commencing with the issue dated
November 27, 1931, and ending with the
issue dated December 4, 1931.

Subscribed and sworn to before me this 5th
day of December, 1931.

Notary Public.

Residence: Arco, Idaho.

My commission expires Aug 14, 1932.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Cecil B. Lindburg of Darlington, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 2.75 cubic feet per second of time of the water of Antelope Creek from the land upon which it is now used, i. e. NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35, Township 6 North, Range 25 East of Boise Meridian to the following described tract NE $\frac{1}{4}$, Section 35, Township 6 North, Range 25 East of Boise Meridian.

And that, on the 15th day of December, A. D. 1931, at Boise, Idaho, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

R. W. FARIS,
Commissioner Reclamation.
(N 27-D 4-2b)

**Affidavit
of Publication**

THE ARCO ADVERTISER

Arco, Idaho

Publication:

Plaintiff___,

vs.

Defendant___.

Filed _____day of

_____, 193__

Form 20.

Application For Transfer of Water Right

STATE OF IDAHO

County of Custer,

ss.

RECEIVED

NOV 28 1931

DEPARTMENT OF RECLAMATION

Cecil B. Lindburg

being first duly sworn, deposes and says:

That his name is Cecil B. Lindburg; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Darlington Idaho.

That he is the owner and using a certain water right, bearing date of priority of Nov. 15, 1883 (1883) Oct. 15, 1893 (1893) 1.25 C.F.S.

for 1.50 C.F.S. cubic feet per second of the waters of Antelope Creek.County of Butte & Custer, State of Idaho, decreed to William A. Lindburgby decree of Judge, Farmington of the Federal Judicial District of the State ofIdaho, in and for the County of Custer & Butte, in the case of Utah Construction Co.

Decree # 301

vs. John F. Abbott et al., said decree bearing date of March 15, 1923

(or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____, 19____, bearing date of _____, 19____)

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. 27-D in the County of Custer & Butte and State of Idaho, to-wit:Northeast quarter and the North half of the Southeast quarter, of Section 35Township 6 North, Range 25 East, B.M.

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. By Purchase.

as per abstract of title of said water right hereto attached and made a part of this statement:

Through Hanrahan DitchThat said waters are now diverted from said stream in the Northeast quarter ofSection 21, Township 5-N., Range 25 E., B. M., and con-ducted to the above described lands through Hanrahan Ditch.

as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.25 Sec. Ft. Nov. 15, 1883 1.50 " " Oct. 15, 1893 cubic feet per second

of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Custer & Butte. and State of Idaho, to-wit:

Northeast quarter, Section 35, Township 6 North Range 25, East, B.M.

That his reasons for desiring to make such transfer are as follows:

Not sufficient water of early priority to irrigate full acreage, Land to whichit is proposed to transfer the water, being more fertile and adaptable toirrigation.

MICROFILMED

I.25 Sec. Ft. of Nov. 15, 1883

I.50 " " " Oct. 15, 1893

That he intends to divert and convey said second feet of water to the tract of land last above described in the following manner, to-wit: _____

No change in diversion, or conveyance of said water.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

C. B. Lundberg

Applicant.

Subscribed and sworn to before me this _____ day of _____

A. D. 19____

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Antelope Creek.

Where is the diversion point located? Northeast quarter Section 21. Twn. 5.N. R. 25.E. B.M

Through what ditch is it now conducted? Hanrahan Ditch.

How much land is now irrigated by the water sought to be transferred? 140 Acres.

Give the description: NE 1/4 and E 1/4 Sec. 35. Twn. 6-N. 25E. B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 212.5 inches.

What kind of crops are being raised? Grain, Alfalfa, & sugar beets.

How much water per acre is now required to irrigate said land? Inch to acre.

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

Idle Land.

Give location of new point of diversion, if change is to be made No change in diversion.

Through what ditch will it be conducted after transfer? Hanrahan. Ditch.

How much water will be required per acre to irrigate the land to which this water is transferred?

One Inch per Acre.

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source Part of 75 inches May 10, 1897, Huston Ditch Big Lost River

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source Part of the above 75 Inches May 10, 1897, Huston Ditch Big Lost River.

Signed

C. B. Lundberg

Applicant.

STATE OF IDAHO,

County of Butte

ss.

Maurice McAffee

and

O. L. Price

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Darlington, Idaho that he is user of water from Lost River, in Water District No. 27-D County of Butte, State of Idaho; that he has read or heard read the foregoing affidavit and petition of C. B. Lindberg and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Maurice McAffee
O. L. Price

Subscribed and sworn to before me this 20th day of November

A. D. 19 31

J. D. Martin
Notary Public

Res. Arco, Idaho.

STATE OF IDAHO,

County of Custer

ss.

I, Roy W. Thompson,

Watermaster of Big Lost River & Tributaries.

Water District No. 27-D, County of Custer & Butte, State of Idaho, whose postoffice address is Mackay, Idaho,

have read or heard read the foregoing affidavit and petition of Cecil B. Lindburg, and, of my own knowledge, believe the same to be

true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or ~~(do not approve of the issuance of the certificate of transfer prayed for)~~ for the following reasons:

Applicant will benefit by transfer, in case of abandonment of land from which
water is asked to be transferred, also a higher duty of water will result from
the transfer.

Watermaster Dist. No. 27-D

Roy W. Thompson

Dated at Mackay Idaho, Idaho, this 26th day of August, 1931

Name of Applicant.....C. B. Lindburg.....



T. 4 N. 25 E.
R. 25 E.

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