

Application For Transfer of Water Right

STATE OF IDAHO

County of Bonneville, } ss.Byron Telford, being first duly sworn, deposes and says:

That his name is Byron Telford,; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is 1198 Canal Ave. Idaho Falls, Idaho.

That he is the owner and using a certain water right, bearing date of priority of June 1 ~~19~~ 1899 for 6.4 cubic feet per second of the waters of Bell Mountain Creek, Mahogany Cr. and Quaken Asp Springs, County of Butte, State of Idaho, decreed to Merchants Trust & Savings Bank. by decree of Judge, Ralph W. Adair of the Sixth Judicial District of the State of Idaho, in and for the County of Butte, in the case of Blaine County Investment Co. vs. Robert G. Mays et al., said decree bearing date of March 5, 1927 (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. 9 in the County of Butte and State of Idaho, to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 1, Twp. 10.N. Range 26.E. and S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6 Twp. 10.N. Range 27.E. 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. Mesne Conveyance,

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

That said waters are now diverted from said stream ~~in the~~ at place of use, in of Section 1, 10.N. R. 26.E. and Section Six, Township 10.N., Range 27.E., B. M., and conducted to the above described lands through private ditches,

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

That affiant and petitioner desires to abandon the use of 6.4 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 Butte and State of Idaho, to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ Section 1, Twp. 10.N. R. 26.E.; S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Twp. 10.N. Range 27.E.; NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3, Twp. 5.N. Range 29.E. S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, S $\frac{1}{2}$ Section 25, Twp. 6.N. Range 29.E. and SW $\frac{1}{4}$ Section 30, Twp. 6.N. Range 30.E. B.M.

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

Better economic use of water, however this water has been used and carried through the channel of Little Lost River to lands on the lower part of said river, for many years, after deducting river carriage losses. This transfer is for the recording of a legal transfer of said water right.



Scale: 2 Inches—1 Mile. Draw Map in Ink.

Affidavit of Publication

I, Paul R. Cross, 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
this notice, 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, commenc-
ing with the issue dated April 8, 1955
and ending with the issue dated April 15, 1955

Paul R. Cross
Subscribed and sworn to before me this
18 day of April, 1955
C. V. Boyatt
Notary Public.
Residence, Arco, Idaho.
My commission expires 9-1, 1958

LEGAL NOTICE

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Byron Telford of 1198 Canal Avenue, Idaho Falls, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and place of use of the waters of Bell Mountain Creek, Mahogany Creek and Quaken Asp Springs as follows: Amount, 6.4 cubic feet per second, with priority of June 1, 1899, Place of Use, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 1, Township 10 North, Range 26 East, and S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Township 10 North, Range 27 East.

To be transferred to S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 1, Township 10 North, Range 26 East, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Township 10N, Rge. 27 East, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4; W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3, Township 5 North, Rge. 29E, and S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34; S $\frac{1}{2}$ Section 25; Township 6 North, Range 29 East; SW $\frac{1}{4}$ Section 30, Township 6 North, Range 30 East, B.M.; with the point of diversion located in Section 1, Township 10 North, Range 26 East and Section 6, Township 10 North, Range 27 East, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 6 North, Range 29 East, B.M. Subject to actual river losses for carriage purposes.

And that on the 21st day of April, 1955 at 10 o'clock A.M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, 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.

MARK R. KULP

State Reclamation Engineer
(Publish April 8-15, 1955)

MICROFILMED

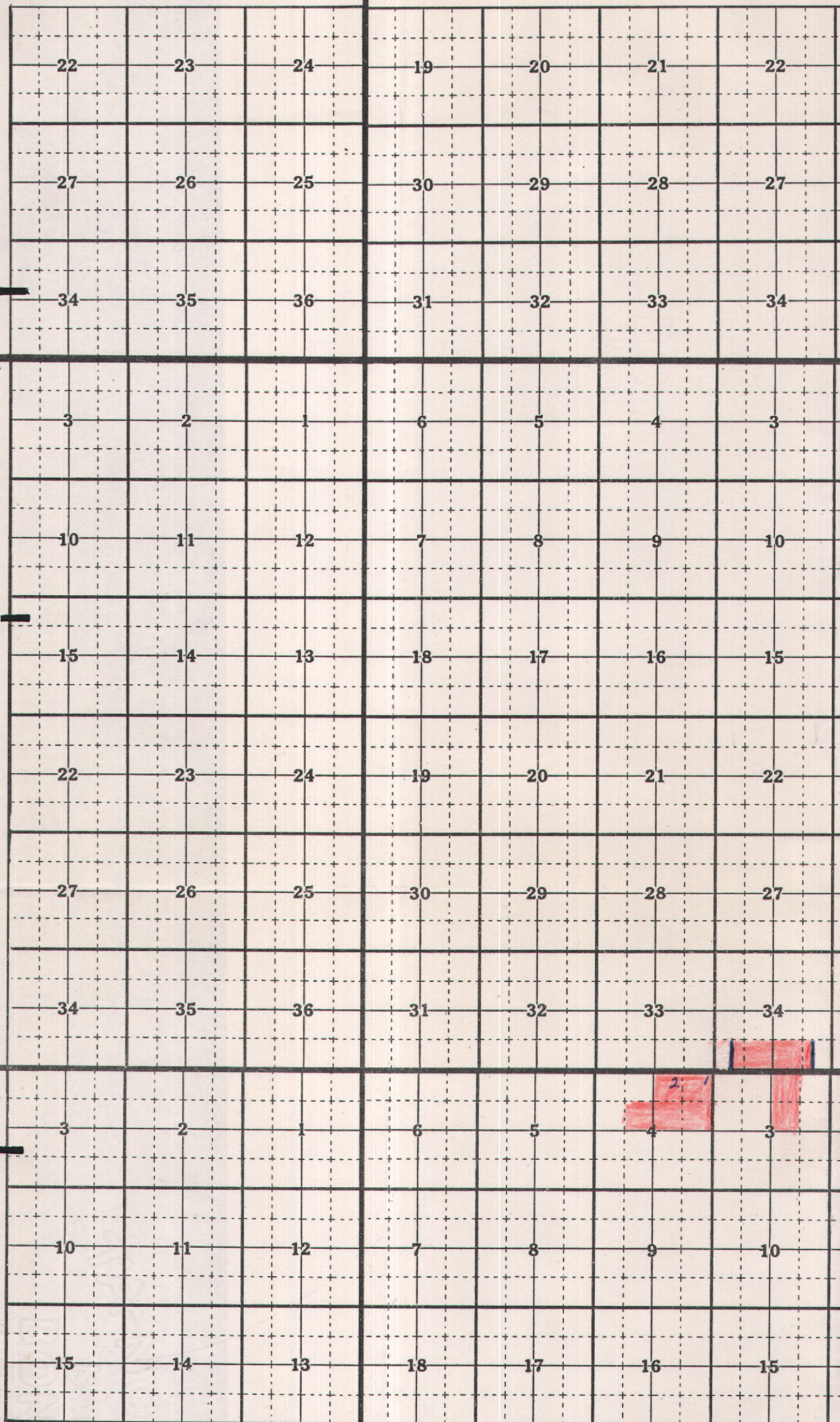
RANGE

RANGE

TOWNSHIP

TOWNSHIP

TOWNSHIP



COOK REAL ESTATE LOG

OWNER _____ ☐ DEEDED LAND XXX FOREST BOUND

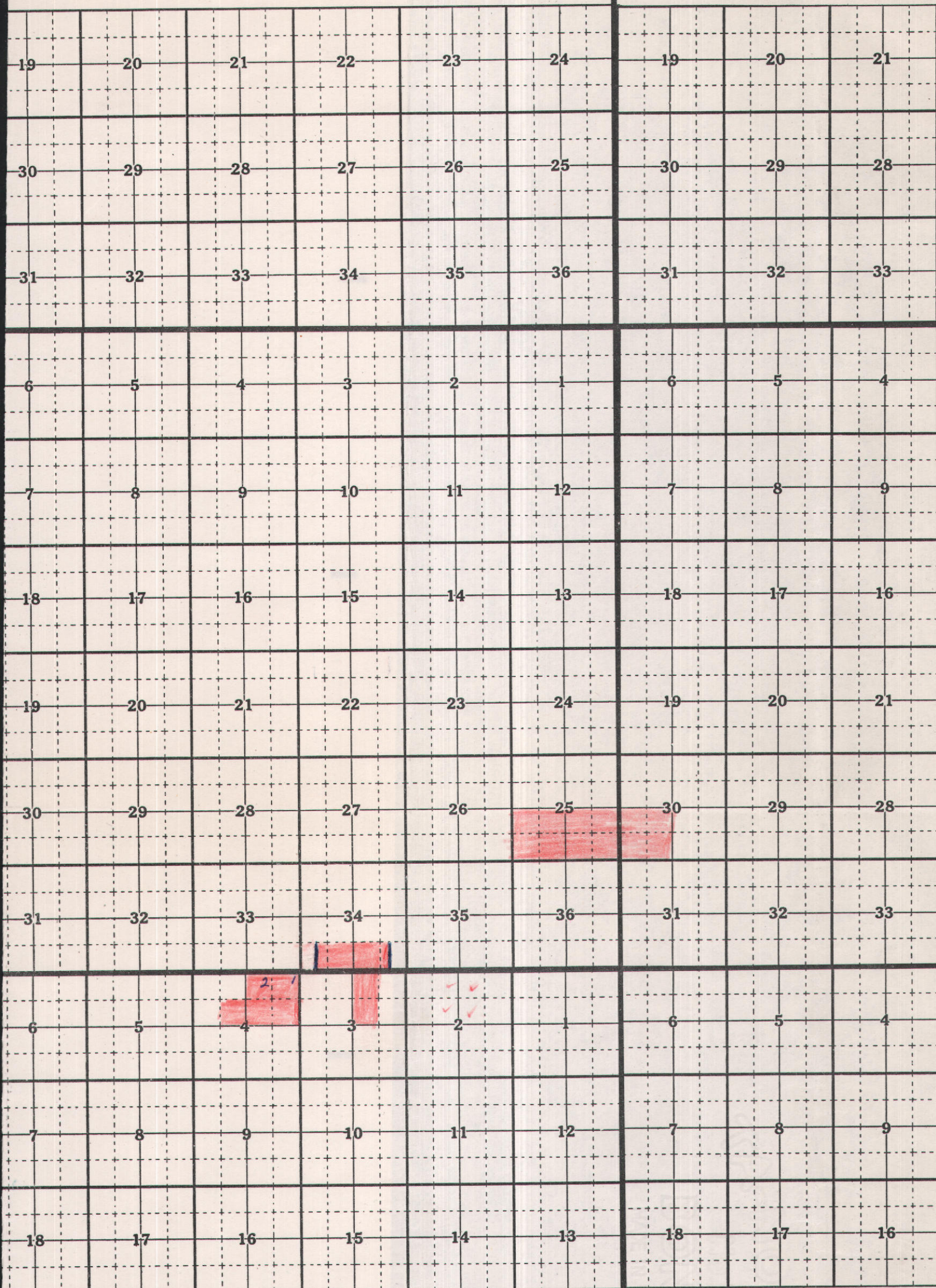
COUNTY OF _____ ☐ U. S. GOVT. LEASED LAND ☐ PRIVATE LEASE

STATE OF _____ ☐ STATE LEASED LAND oooo Fences

MICROFILMED

RANGE

RANGE



COOK REAL ESTATE Co.
LOG

- | | | |
|--|--|--------------------------------|
| ☐ DEEDED LAND | XXX FOREST BOUNDRY | ☐ _____ |
| ☐ U. S. GOVT. LEASED LAND | ☐ PRIVATE LEASED LAND | ☐ _____ |
| ☐ STATE LEASED LAND | oooo Fences | ☐ _____ |

COPY

33-8065

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Byron Telford
Idaho Falls, Idaho

For a Transfer of Water Right in Water
District No. 9, Butte County, Idaho

ORDER GRANTING TRANSFER

NO. 851

WHEREAS, On the 21st day of April, 1955, at the Department of Reclamation of the State of Idaho, this matter of an application of Byron Telford of Idaho Falls, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application and the evidence filed by the applicant, with this application shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is hereby GRANTED, and that a Certificate of Transfer be issued to the applicant herein, 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 16th day of May, 1955.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 851.

THIS IS TO CERTIFY, That Byron Telford of Idaho Falls, Idaho, is the owner of and using a water right for 6.4 cubic feet per second of the waters of Bell Mountain Creek, Mahogany Creek and Quaken Asp Springs with priority of June 1, 1899, said water being decreed to Merchants Trust & Savings Bank by Judge Ralph W. Adair of the Sixth Judicial District of the State of Idaho, in and for the County of Butte in the case of

BLAINE COUNTY INVESTMENT COMPANY

Plaintiff

vs.

ROBERT G. MAYS, et al.,

Defendants.

said decree bearing date of March 5, 1927, and being appurtenant to the following described lands to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 1
Township 10 North, Range 26 East B.M.

S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6
Township 10 North, Range 27 East B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees beginning at Page 86.

That Byron Telford has become the owner of said water rights through means conveyance.

And that now, upon the application of Byron Telford of Idaho Falls, Idaho, for the transfer of 6.4 cubic feet per second of the waters of Bell Mountain Creek, Mahogany Creek and Quaken Asp Springs made before the State Reclamation Engineer of the State of Idaho and said application having been granted, the right to the use of 6.4 cubic feet per second of said waters upon the above described lands is hereby abandoned, and the lands to which the water rights hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes are described as follows, to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 1
Township 10 North, Range 26 East B.M.
S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6
Township 10 North, Range 27 East B.M.
NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4
W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3
Township 5 North, Range 29 East B.M.
S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34
S $\frac{1}{2}$ Section 25
Township 6 North, Range 29 East B.M.
SW $\frac{1}{4}$ Section 30
Township 6 North, Range 30 East B.M.

That said water is 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:

6.4 cubic feet per second with priority of June 1, 1899

That the water right hereby transferred has heretofore been conducted to the first above described lands with point of diversion in Section 1, Township 10 North, Range 26 East B.M. and Section 6, Township 10 North, Range 27 East B.M.

That the water right hereby transferred will hereafter be conducted to these same described lands with the same points of diversion.

That the water right hereby transferred will hereafter be conducted to the lands above described in Sections 3 and 4, Township 5 North, Range 29 East B.M., Sections 34 and 25 Township 6 North, Range 29 East B.M. and Section 30, Township 6 North, Range 30 East B.M. with point of redirection from Little Lost River in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 6 North, Range 29 East B.M.

Said water to be measured into Little Lost River, intermingled with the waters of Little Lost River and redirected after a deduction of twenty-five per cent (25%) to compensate other water users for transmission losses.

That the right of use of said 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 16th day of May, 1955.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

RECORDED

COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Byron Telford
Idaho Falls, Idaho

For a Transfer of Water Right in Water
District No. 9, Butte County, Idaho

ORDER GRANTING TRANSFER

NO. 851

WHEREAS, On the 21st day of April, 1955, at the Department of Reclamation of the State of Idaho, this matter of an application of Byron Telford of Idaho Falls, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application and the evidence filed by the applicant, with this application shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is hereby GRANTED, and that a Certificate of Transfer be issued to the applicant herein, 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 16th day of May, 1955.

MARK H. KULP
State Reclamation Engineer

RECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 851.

THIS IS TO CERTIFY, That Byron Telford of Idaho Falls, Idaho, is the owner of and using a water right for 6.4 cubic feet per second of the waters of Bell Mountain Creek, Mahogany Creek and Quaken Asp Springs with priority of June 1, 1899, said water being decreed to Merchants Trust & Savings Bank by Judge Ralph W. Adair of the Sixth Judicial District of the State of Idaho, in and for the County of Butte in the case of

BLAINE COUNTY INVESTMENT COMPANY

Plaintiff

vs.

ROBERT G. NAYS, et al.,

Defendants.

said decree bearing date of March 5, 1927, and being appurtenant to the following described lands to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 1
Township 10 North, Range 26 East B.M.

S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6
Township 10 North, Range 27 East B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees beginning at Page 86.

That Byron Telford has become the owner of said water rights through means conveyance.

And that now, upon the application of Byron Telford of Idaho Falls, Idaho, for the transfer of 6.4 cubic feet per second of the waters of Bell Mountain Creek, Mahogany Creek and Quaken Asp Springs made before the State Reclamation Engineer of the State of Idaho and said application having been granted, the right to the use of 6.4 cubic feet per second of said waters upon the above described lands is hereby abandoned, and the lands to which the water rights hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes are described as follows, to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 1
Township 10 North, Range 26 East B.M.
S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6
Township 10 North, Range 27 East B.M.
NE $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$ Section 4
W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3
Township 5 North, Range 29 East B.M.
S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34
S $\frac{1}{2}$ Section 25
Township 6 North, Range 29 East B.M.
SW $\frac{1}{4}$ Section 30
Township 6 North, Range 30 East B.M.

That said water is 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:

6.4 cubic feet per second with priority of June 1, 1899

That the water right hereby transferred has heretofore been conducted to the first above described lands with point of diversion in Section 1, Township 10 North, Range 26 East B.M. and Section 6, Township 10 North, Range 27 East B.M.

That the water right hereby transferred will hereafter be conducted to these same described lands with the same points of diversion.

That the water right hereby transferred will hereafter be conducted to the lands above described in Sections 3 and 4, Township 5 North, Range 29 East B.M., Sections 34 and 25 Township 6 North, Range 29 East B.M. and Section 30, Township 6 North, Range 30 East B.M. with point of rediversion from Little Lost River in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, Township 6 North, Range 29 East B.M.

Said water to be measured into Little Lost River, intermingled with the waters of Little Lost River and rediverted after a deduction of twenty-five per cent (25%) to compensate other water users for transmission losses.

That the right of use of said 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 16th day of May, 1955.

MARK A. KULP
State Reclamation Engineer

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BUTTE COUNTY.

33-B ✓
NUMBERED

THE BLAINE COUNTY INVESTMENT
COMPANY, a corporation,

Plaintiff,

vs

ROBERT G. WAYS, et al.,

Defendants.

D E C R E E

This matter having been referred to Honorable L. E. Glennon by an order of this court, made and entered on the 4th day of May, 1923, to take the testimony herein and to try all of the issues in said action, both of fact and law, and to report findings and judgment thereon, as required by law, and the said Referee having heard and considered said cause and having submitted a full and complete report thereon setting forth his findings of fact and conclusions of law, and the court having duly considered said report and the objections filed thereto, and having heard the arguments of counsel for the respective parties in support of their objections to said report, and given due consideration thereto, and the court having heretofore made an order approving and adopting the report of the Referee, and the court having heretofore made and filed findings of fact and conclusions of law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I.

That all of the lands hereinafter described are arid in character and require artificial irrigation in order to produce profitable crops thereon.

II.

That the duty of water upon the several tracts of land herein described corresponds to the quantity of water awarded thereto, respectively, and the quantity of water herein awarded

1.

RECORDED

XIX

JOSEPH RODGERS and IDA RODGERS, husband and wife:

From Little Lost River: 30 inches, April 1, 1888; 33 00 58
80 inches, June 1, 1891; 33 00 58
From Saw Mill Creek: 50 inches, May 25, 1891. 33 00 60

Points of diversion:

From Little Lost River:

From Saw Mill Creek: At the mouth of said stream.

to be used upon and appurtenant to:

The Southwest quarter of the Northwest quarter, the Northwest quarter of the Southwest quarter of Section Thirteen, the South half of the Northeast quarter, the Northeast quarter of the Southeast quarter, Section Fourteen, Township Six North, Range Twenty-eight East of the Boise Meridian.

XX.

LORENZO FALLERT and ROSE FALLERT, husband and wife:

From Little Lost River: 20 inches, April 1, 1885; 33 00 61
65 inches, June 1, 1891; 33 00 62
From Saw Mill Creek: 50 inches, May 25, 1891; 33 00 63
From Spring Creek: 25 inches, April 1, 1888. 33 00 64

Points of diversion:

From Little Lost River:

From Saw Mill Creek: At the mouth of said stream.

From Spring Creek:

to be used upon and appurtenant to:

The East half of the Southeast quarter, Section Seventeen; the Northeast quarter of the Northeast quarter of Section Twenty; the Northwest quarter of the Northwest quarter of Section Twenty-one; the Southeast quarter of the Northeast quarter of Section Twenty, the South half of the Northwest quarter, and the Northeast quarter of the Southwest quarter of Section Sixteen, all in Township Seven North, Range Twenty-eight East of the Boise Meridian.

XXI.

MERCHANTS TRUST & SAVINGS BANK, a corporation:

33 00 65

(a) From Bell Mountain Creek, Quaken Asp Springs, Mahogany Creek: All of the water thereof, not exceeding 320 inches, with date of priority June 1, 1899; that none of said sources of supply are tributary to Little Lost River.

Point of diversion:

to be used upon and appurtenant to:

(Bell Mountain Ranch). The South half of the Northeast quarter and the Southeast quarter of Section 1, Township 10 North, Range 26 East of the Boise Meridian; and the South half of the Northwest quarter of Section 6; Township 10 North, Range 27 East of the Boise Meridian.

RECORDED

May 16, 1955

Mr. Byron Telford
1198 Canal Avenue
Idaho Falls, Idaho

Dear Mr. Telford:

We enclose Certificate of Transfer No. 851 together with
departmental receipt No. 27341 for the \$1.00 recording fee.

By this same mail we are sending a copy of this Transfer
Certificate to Mr. N. W. Hansen, Watermaster, for his information.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A:hll

Enc.

CC - Mr. N. W. Hansen, Watermaster
Howe
Idaho

Water to be measured into Little Lost River
intermingled with the waters of Little Lost River
and rediverted less river loss of 25 percent.

RECEIVED

MSB 56-

1198 Canal Ave.
Idaho Falls, Ida.
March 15, 1953

Dept. of Reclamation
State House
Boise, Idaho

RECEIVED
MAR 16 1953

Mr. Roy Thompson

Department of Reclamation

Dear Sir:

Enclosed find application
for transfer of water right
together with a platte or
log showing the correct
location of this portion of
my land. You will notice
in Sec. 34, there seems to
be a correction line, and
on the map it shows as
I have indicated between
the two marks. I notice
in your discription on the
application you listed the
 $N\frac{1}{2}$ NE $\frac{1}{4}$ and the $E\frac{1}{2}$ NW $\frac{1}{4}$

Sec 2. I do not have
any land in Sec. 2.

This should have been

$NE\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$ Sec. 4

You will note I have
made this change on the
application. Also on the
map you sketched out,
the location of this land
does not correspond with
the actual location as
shown on the log. I hope
this will complete the
application, so it can be
published as soon as possible.
I appreciate your cooperation
in working this out for me.

Sincerely
Byron T. [Signature]

Application For Transfer of Water Right

STATE OF IDAHO

County of Bonneville, } ss.Byron Telford,

being first duly sworn, deposes and says:

That his name is Byron Telford,; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is 1198 Canal Ave. Idaho Falls, Idaho.

That he is the owner and using a certain water right, bearing date of priority of June 1, 1899 for 6.4 cubic feet per second of the waters of Bell Mountain Creek, Mahogany Cr. and Quaken Asp Springs, County of Butte, State of Idaho, decreed to Merchants Trust & Savings Bank. by decree of Judge, Ralph W. Adair of the Sixth Judicial District of the State of Idaho, in and for the County of Butte, in the case of Blaine County Investment Co. vs. Robert G. Mays et al., said decree bearing date of March 5, 1927 (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 9 in the County of Butte and State of Idaho, to-wit:

_____ 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. Mesne Conveyance,

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

That said waters are now diverted from said stream ~~in the~~ at place of use, in Section 1, 10.N. R. 26.E. and Section Six, Township 10.N., Range 27.E. B. M., and conducted to the above described lands through private ditches,

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

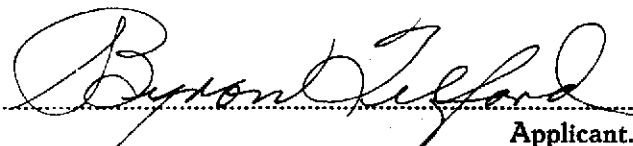
That affiant and petitioner desires to abandon the use of 6.4 cubic feet per second of said water upon the above described land; and to convey and use same upon the following tract, situate, lying and being in the County of Butte and State of Idaho, to-wit: S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ Section 1, Twp. 10.N. R. 26.E.; S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Twp. 10.N. Range 27.E.; NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3, Twp. 5.N. Range 29.E. S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, S $\frac{1}{2}$ Section 25, Twp. 6.N. Range 29.E. and SW $\frac{1}{4}$ Section 30, Twp. 6.N. Range 30.E. B.M.

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

Better economic use of water, however this water has been used and carried through the channel of Little Lost River to lands on the lower part of said river, for many years, after deducting river carriage losses. This transfer is for the recording of a legal transfer of said water right.

That he intends to divert and convey said 6.4 second feet of water to the tract of land last above described in the following manner, to-wit: Applicant will retain the right to divert and use said water on the lands to which the water was originally decreed, also the right to divert all or in part of said water into Little Lost River, at a point approximately located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, Twp. 10.N. R. 26.E.; Thence down Little Lost River to lands, to be reddiverted from Little Lost River in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Twp. 6.N. Range 29.E. Thence through applicant's private ditch to lands, River channel losses deducted according to the amount of 25 percent.
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.


Applicant.

Subscribed and sworn to before me this 5 day of March

A. D. 1955

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Bell Mt. Creek, Mahogany Cr. and Quaken Asp. springs
At various places, on lands described as the

Where is the diversion point located? place of use.

Through what ditch is it now conducted? To the best of my knowledge water has never been used on the lands to which decreed.

How much land is now irrigated by the water sought to be transferred? None (See Remarks)

Give the description: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 1, Twp. 10.N. R. 26.E. and SW $\frac{1}{4}$ Sec. 6, Twp. 10.N. R. 27.E. B $\frac{1}{2}$ M.

What is the total amount of water in inches, or second feet, dedicated to said land? 6.4 c.f.s.

What kind of crops are being raised? None at present, (Grazing)

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

What will be the effect on the land now irrigated, if the use of water on it is discontinued? None,

After proposed transfer is granted, and certain improvements made to conserve water, applicant may irrigate all or part, by sprinkler system.

Give location of new point of diversion, if change is to be made NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12, Twp. 10.N. R. 26.E.
to be diverted into Little Lost River and reddiverted in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, Twp. 6.N. R. 29.E.
Through what ditch will it be conducted after transfer? Private ditch,

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

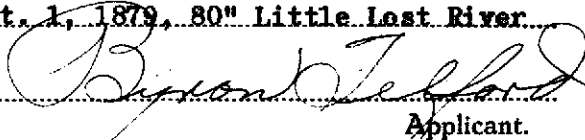
1 inch per acre

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 No

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 140" Little Lost River Sept. 1, 1879, 80" Little Lost River June 1, 1891.

Signed


Applicant.

Remarks, Water has never been used on the lands to which said water has been made appurtenant by Decree, water has always been carried down Little Lost River and used on lands above described in Sections 4 & 3 Twp. 5.N. R. 25.E and Sections 34 Twp. 6.N. R. 29.E.

STATE OF IDAHO,

County of Bonneville

ss.

Charles O'Maley

and

Harley Kyle

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 Howe, Idaho

that he is user of water from Little Lost River, in Water District No. 9

County of Butte, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Byron Telford 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.

Charles O'Maley
Harley Kyle

Subscribed and sworn to before me this

15 day of March

A. D. 1955

H. Brundage

STATE OF IDAHO,

County of

ss.

I, N. W. Hansen, Watermaster of Little Lost River

Water District No. 9, County of BUTTE, State of Idaho, whose postoffice address is Howe, Idaho, have read or heard read the foregoing affidavit and petition

of _____, 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:

Higher Duty of Water; due To better Climate
And More Productive Land.

Watermaster Dist. No. 9

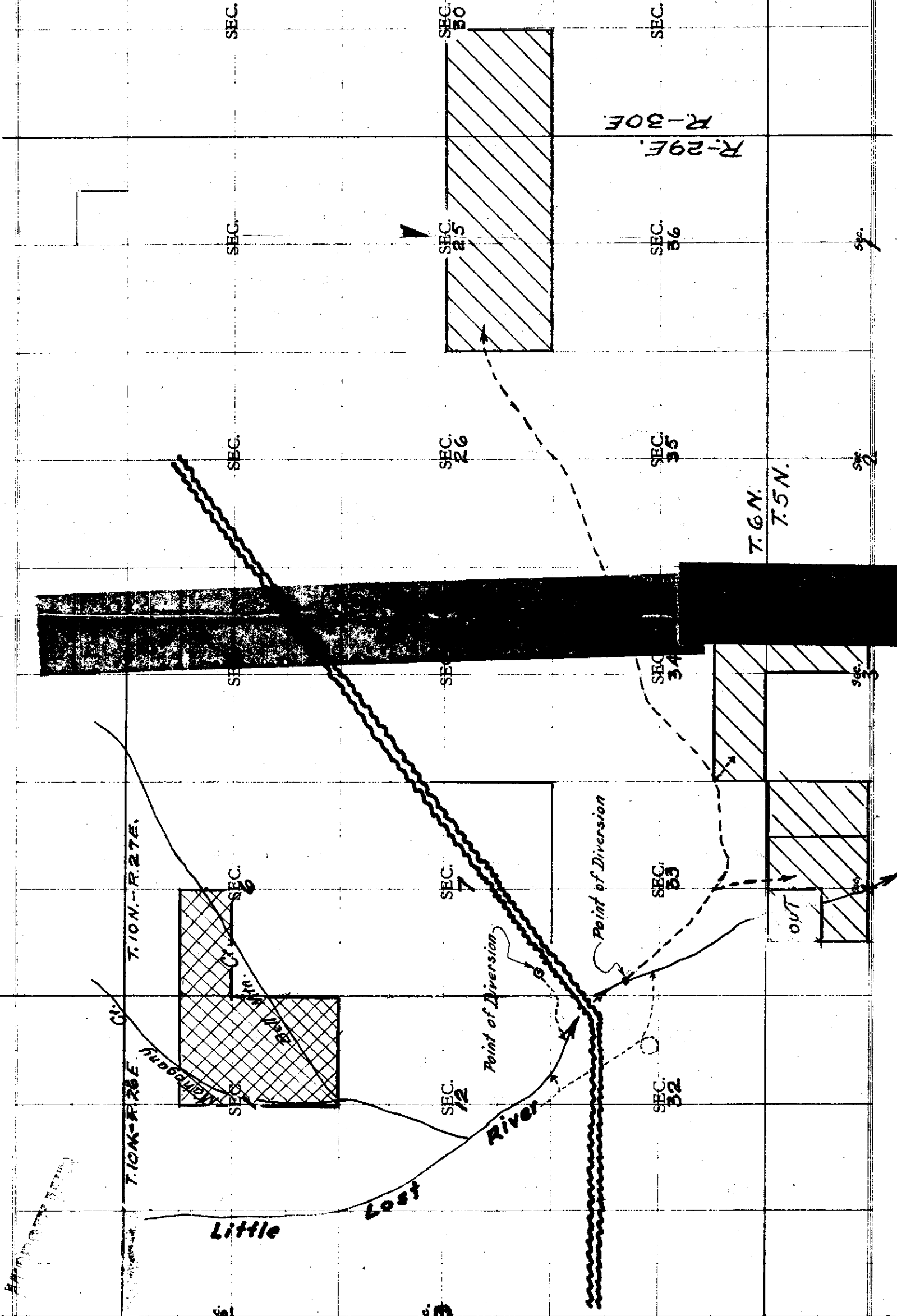
N. W. Hansen

Dated at Howe, Idaho, this

12th day of Feb.

1955

Name of Applicant



Scale: 2 Inches — 1 Mile. Draw Map in Ink.

April 23, 1955

Mr. Byron Telford
1198 Canal Avenue
Idaho Falls, Idaho

Dear Mr. Telford:

While talking to you over the telephone the writer forgot to mention that in regard to your recent transfer of water right that it would be necessary for you to furnish this Department with an Affidavit of Publication from the Mackay Miner, also a fee of \$1.00 is the statutory amount for recording purposes in this Department.

The Affidavit of Publication will be necessary before we can issue you a Certificate of Transfer.

Very Truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu

1198 Canal Ave.
Idaho Falls, Ida
April 26, 1955

Mark R. Kulp
Dept of Reclamation.

Dear Sir;

Enclosed find affidavit
of Publication from "The
Arco Advertiser" and not
"The Mackay Miner" as
you stated in your letter.
Also please find \$4.00 in
currency for recording
fee.

Sincerely -
Byron Gelford

RECEIVED
APR 27 1955
Department of Reclamation

MICROFILMED

Affidavit of Publication

I, Paul R. Cross, 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
this notice, 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, commenc-
ing with the issue dated April 8, 1955
and ending with the issue dated April 15, 1955

Paul R. Cross

Subscribed and sworn to before me this

18 day of April, 1955

O. V. Royall

Notary Public.

Residence, Arco, Idaho.

My commission expires 9-1, 1958

LEGAL NOTICE

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Byron Telford of 1198 Canal Avenue, Idaho Falls, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and place of use of the waters of Bell Mountain Creek, Mahogany Creek and Quaken Asp Springs as follows: Amount, 6.4 cubic feet per second, with priority of June 1, 1899, Place of Use, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 1, Township 10 North, Range 26 East, and S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Township 10 North, Range 27 East.

To be transferred to S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 1, Township 10 North, Range 26 East, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Township 10N, Rge. 27 East, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4; W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3, Township 5 North, Rge. 29E, and S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34; S $\frac{1}{2}$ Section 25; Township 6 North, Range 29 East; SW $\frac{1}{4}$ Section 30, Township 6 North, Range 30 East, B.M.; with the point of diversion located in Section 1, Township 10 North, Range 26 East and Section 6, Township 10 North, Range 27 East, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 6 North, Range 29 East, B.M. Subject to actual river losses for carriage purposes.

And that on the 21st day of April, 1955 at 10 o'clock A.M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, 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.

MARK R. KULP

State Reclamation Engineer
(Publish April 8-15, 1955)

March 30, 1955

Mr. Bryon Telford
1198 Canal Avenue
Idaho Falls, Idaho

Dear Mr. Telford:

We are enclosing herewith a copy of Notice of Proposed transfer of Water Right which we have mailed to the Arco Advertiser with the request that they publish it once a week in two consecutive issues of their paper.

We are quite sure that the notice is correct regarding land descriptions and etc. Providing there is an error in said publication notice kindly let us know so that we can have the same corrected.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Date:
March 30, 1955

The Arco Advertizer,
Arco, Idaho.

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **March 31, 1955** the date set for hearing, the expense of the publication to be paid by the applicant, **Byron Telford,** of **1198 Canal Ave. Idaho Falls, Idaho,** to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK. R. KULP.

State Reclamation Engineer
By

Supervisor of Water Distribution,

RECEIVED

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To be transferred to $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$ Section 1, Township 10 North, Range 26 East, $S\frac{1}{2}NW\frac{1}{4}$ Section 6, Township 10 North, Range 27 East, $NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ Section 4; $W\frac{1}{2}NE\frac{1}{4}$ Section 3, Township 5 North, Range 29 East, and $S\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ Section 34; $S\frac{1}{2}$ Section 25; Township 6 North, Range 29 East,; $SW\frac{1}{4}$ Section 30, Township 6 North, Range 30 East, B. M.; with the point of diversion located in Section 1, Township 10 North, Range 26 East and Section 6, Township 10 North, Range 27 East, and the $SW\frac{1}{4}NW\frac{1}{4}$ of Section 33, Township 6 North, Range 29 East, B. M. Subject to actual river losses for carriage purposes.

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at 10 O'clock A. M., at Room 107, State House, Boise, Idaho
before the State Reclamation Engineer, 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.

MARK.R. KULP.

State Reclamation Engineer

RECEIVED
APR 22 1955

January 26, 1955

Mr. Byron Telford
1198 Canal Avenue
Idaho Falls, Idaho

Dear Mr. Telford:

After searching our records in this department we find that no transfer was ever issued transferring the Ball Mountain and Mahogany Creeks water to the lands you own near Howe.

We are enclosing herewith an application for transfer of water right transferring said water made out by the writer ready for your signature and answers to a few questions which the writer was unable to supply.

It will be necessary to send said application to N. W. Hansen, Watermaster, at Howe, Idaho, who will fill in the affidavit on the third page of said application. Perhaps he could contact for you two water users within the district who would be willing to sign the depositions at the top of page 3 on the said application.

We have tried to make out this form of application according to your wishes as outlined by yourself when you were in Boise.

You will observe that the water is being transferred from the land to which it was first decreed and then back to the same land and including the lands below Howe.

We hope you will find the application as prepared O.K., if not please feel free to make any changes that you wish.

After this application is approved it will give you the right to use the water on the upper lands as well as the lower lands.

After application is completed and signed by yourself as applicant and the affidavits executed then if you will return the same to this department we will proceed with the publication notice.

Very truly yours,

MARK R. KUPP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:ou
Enc.

March 16, 1955

Mr. Byron Telford
1198 Canal Avenue
Idaho Falls, Idaho

Dear Mr. Telford:

Relative to our phone conversation of a few days ago relative to the waters from Bell Mountain Creek, Quaken Asp Spring, and Mahogany Creek providing you pipe the water from its source into Little Lost River, there is no question that there will be surplus water which may be subject to appropriation.

We are wondering about the possibility of the water users on Little Lost River contesting a filing for the additional waters from this source on account of they have probably been receiving all or part of said water which probably rises again to the stream after sinking near its source.

We see the possibility of some other person filing on the waters which you will save by your constructed pipeline, therefore, we suggest that you file on said surplus water in order to stop someone else from filing. However, we cannot guarantee without further investigation as to whether this Department would issue a License on said additional water or not.

We are enclosing a form of application which you can fill out and return to this Department.

Very truly yours,

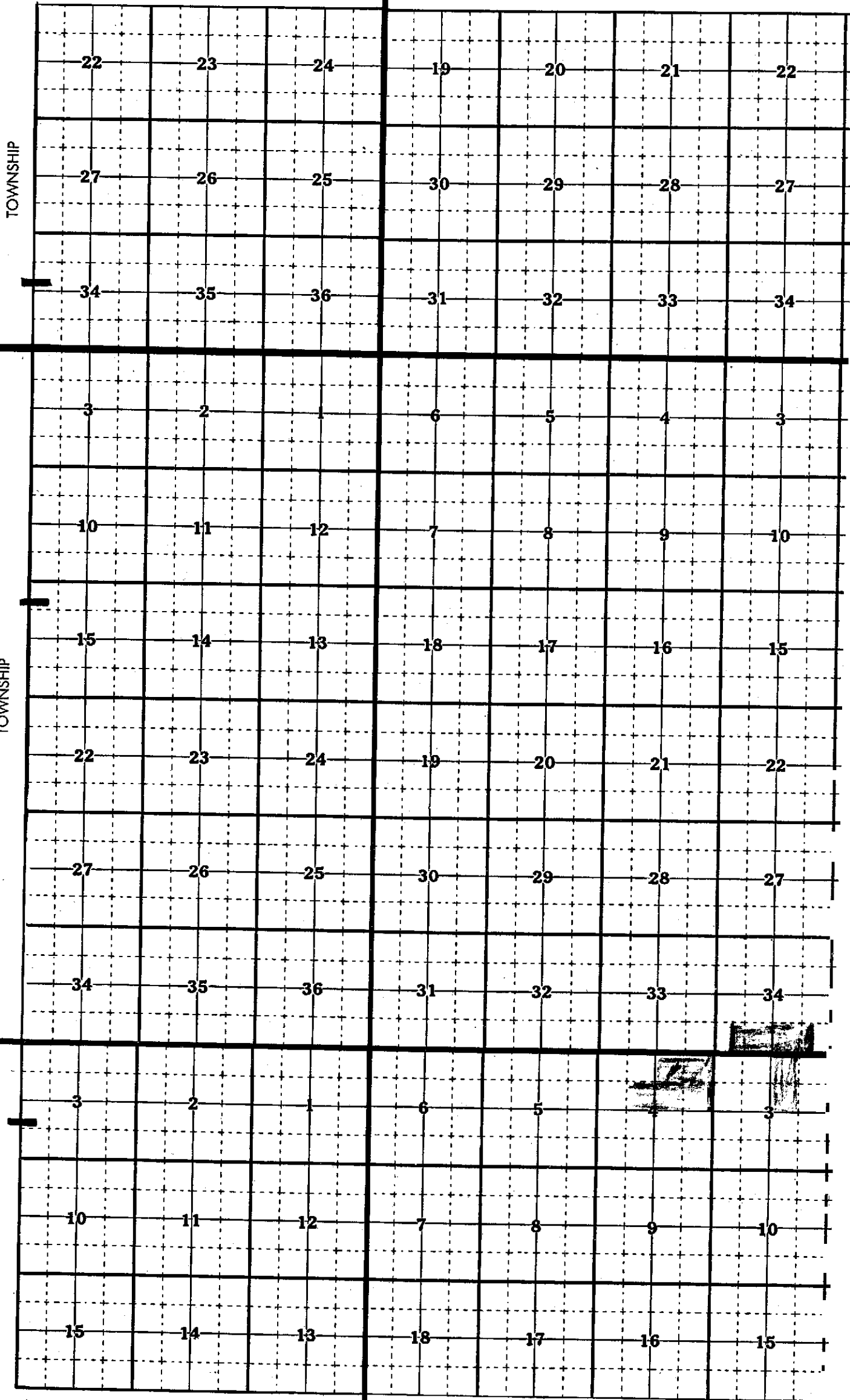
MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

RANGE

RANGE



COOK REAL ESTATE
LOG

OWNER _____ ☐ DEEDED LAND XXX FOREST BOUND

COUNTY OF _____ ☐ U. S. GOVT. LEASED LAND ☐ PRIVATE LEA.

STATE OF _____ ☐ STATE LEASED LAND oooo fences

