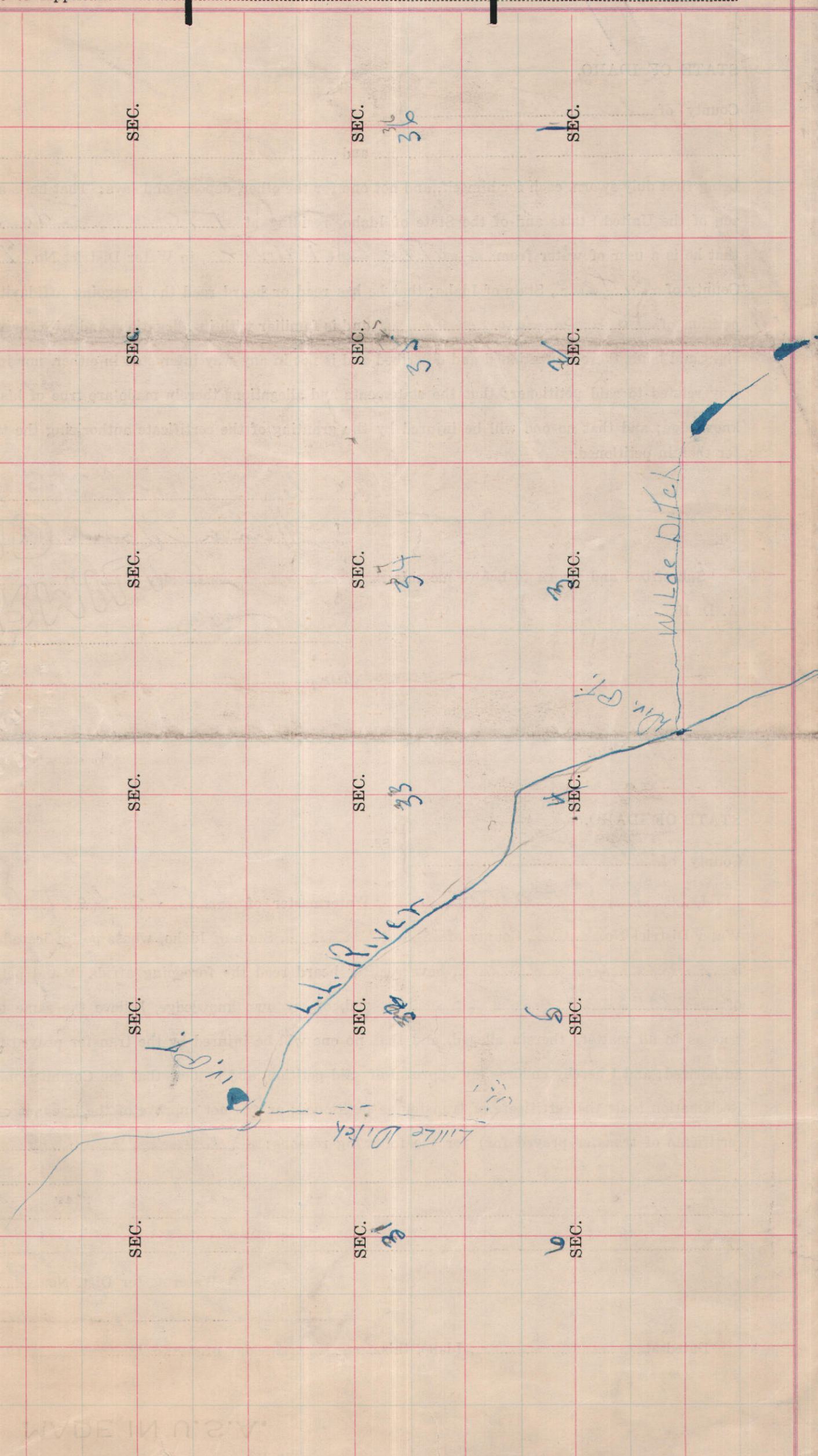


Name of Applicant.....

MICROFILMED



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

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N
C E R T I F I C A T E O F W A T E R R I G H T
T r a n s f e r r e d R i g h t N o . 4 4 0

THIS is to certify that James D. Little, of Howe, County of Butte, State of Idaho, has rights to the use of the waters of Little Lost River and Sawmill Creek, for irrigation and domestic purposes, and that said rights have been confirmed by decree of the District Court 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, Ralph W. Adair, District Judge, wherein water rights were awarded as follows:

From Little Lost River, 0.08 second feet,
priority, April 1, 1889;
From Little Lost River, 0.34 second feet,
priority, June 1, 1891;
From Sawmill Creek, 0.18 second feet,
priority, May 25, 1891;

That the waters above described were decreed to the following described lands, to-wit:

Lot 1, Section 5, Township 5 North, Range 29 East, Boise Meridian;

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho at Boise, in Book 5 of Decrees, pages 86 to 102.

That, upon the application of James D. Little 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 0.6 second feet of the waters of Little Lost River and Sawmill Creek upon the land above described is hereby abandoned and the lands to be irrigated under such rights and to which the water rights hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are described as follows, said water being limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amounts with the following dates of priority, to-wit:

0.08 second feet, dated April 1, 1889;
0.34 " " " June 1, 1891;
0.18 " " " May 25, 1891;

Southeast quarter (SE $\frac{1}{4}$) Section 10, and Southwest quarter (SW $\frac{1}{4}$) Section 11, Township 5 North, Range 29 East, Boise Meridian.

That the water rights to be transferred have heretofore been diverted in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 6 North, Range 29 East, Boise Meridian, and carried through the Little ditch, but will hereafter by virtue of this certificate be diverted in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 5 North, Range 29 East, Boise Meridian, and carried through the Wilds Lateral.

That no right to the use of water on the lands last above described exists at the date of this certificate except as herein stated, and that the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 13th day of March, 1929.

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation

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

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

to be used upon and appurtenant to:

The Southeast Quarter of Section Ten, and the Southwest Quarter of Section Eleven in Township Five North, Range Twenty-nine East of the Boise Meridian.

IX

OTTO G. WILDE and ANNA WILDE, husband and wife;

From Little Lost River: 80 inches, April 1, 1881; 33 00 25
4 inches, April 1, 1889; 33 50 28
17 inches, June 1, 1891, 33 00 25
From Saw Mill Creek; 9 inches, May 25, 1891, 33 00 30

Point of diversion:

From Little Lost River:

to be used upon and appurtenant to:

Lot One (1) of Section Five (5), Township Five (5) North of Range Twenty-nine (29) East of Boise Meridian, containing 46.20 acres; also the East half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$) of Section Four (4), in Township Five (5) North of Range Twenty-nine (29) East of the Boise Meridian; the West half of the Southeast quarter ($W\frac{1}{2}SE\frac{1}{4}$) of Section Four (4), Township Five (5) North of Range Twenty-nine (29) E. B. M., except a small tract of approximately five to ten acres, located in the southwest corner of the eighty acre tract.

X

LITTLE LOST RIVER LAND & LIVESTOCK COMPANY, a corporation,
CHARLES HOLLAND and ELLEN HOLLAND, husband and wife,
CLARENCE HOLLAND and MABEL HOLLAND, husband and wife:

From Little Lost River: 560 inches, September 1, 1879; 33 00 24
240 inches, June 1, 1891; 33 00 22
280 inches, June 1, 1905; 33 00 13
From Spring Creek: 150 inches, May 1, 1880; 33 00 14
From Badger Creek: 80 inches, March 6, 1907; 33 00 15

Points of diversion:

From Little Lost River:

From Spring Creek:

From Badger Creek:

to be used upon and appurtenant to:

The North half ($N\frac{1}{2}$) of Section Two (2), the East half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of Section Three (3), Township Five (5) North of Range Twenty-nine (29) East of the Boise Meridian; also the South half ($S\frac{1}{2}$) of Section Two (2), and the East half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$) of Section Three (3), Township Five (5) North of Range Twenty-nine (29) East of the Boise Meridian; also Lots Two (2), Three (3), Four (4) and the Southeast Quarter ($SE\frac{1}{4}$) and South half of the Northwest quarter ($S\frac{1}{2}NW\frac{1}{4}$), the South half of the Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$) the Northeast Quarter of the Southwest quarter ($NE\frac{1}{4}SW\frac{1}{4}$) of Section Three (3), and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section Two (2), and the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$) of Section Eleven (11), Township Eight (8) North of Range

March 14, 1929.

Re: Transfer Water Right-Jas. D. Little.

MR. OTTO P. HOEBEL,
President, Butte County Bank,
Arco, Idaho.

Dear Sir:-

Enclosed you will find certificate of transfer of water right issued to James D. Little, together with receipt for fee paid and the abstract of title filed for reference at the hearing.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation.

Enc. CTR40-A12944-Abs.Title

By _____
Chief Clerk.

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Application)
of James D. Little for Transfer)
of Water Right: Water Dist.#9.)

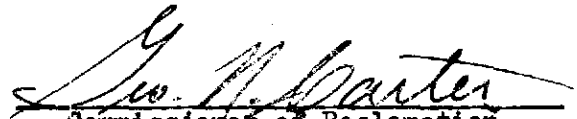
ORDER GRANTING TRANSFER

WHEREAS, On the 7th day of March, 1929, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of James D. Little for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, No protests were filed in this office against said application for transfer and the evidence given by the applicant in his application shows that a greater duty of water would result by reason of such transfer and that no one would be injured thereby:

IT IS, THEREFORE, Hereby ordered that the said application for transfer be granted and that the certificate of transfer be issued the applicant herein in regular order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Boise, Idaho, this 13th day of March, 1929.


Commissioner of Reclamation.

Affidavit of Publication.

EK Abbott, Manager
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 Feb. 22, 1929, and ending with the issue dated March 1, 1929.

EK Abbott

Mgr. Arco Advertiser

Subscribed and sworn to before me this 11th

day of March, 1929.

[Signature]

Notary Public.

Residence: Arco, Idaho. My commission expires 12/27/32

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that James D. Little of Howe, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 0.6 second feet of the water of Little Lost River from the land upon which it is now use, i. e.: Lot 1, Sec. 5, Twp. 5 N., R. 29 E., B. M., to the following described tract: SE $\frac{1}{4}$ Sec. 10, and SW $\frac{1}{4}$ Sec. 11, Twp. 5 N., R. 29 E., B. M.

And that, on the 7th day of March, A. D. 1929, at 10 o'clock a. m. at the Dept. of Reclamation, State House, Boise 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.

GEO. N. CARTER,

Commissioner of Reclamation.

(F 22 M 1-2t)

**Affidavit
of Publication.**

**THE ARCO ADVERTISER
ARCO, IDAHO.**

Publication:

Plaintiff,

vs.

Defendant.

Filed, _____ day of _____, 192_____.

March 8, 1929.

Re: Transfer Water Right.

President, Butte County Bank,
Arco, Idaho.

Dear Sir:-

Upon receipt of the affidavit of publication of notice of transfer of water by J. D. Little, the certificate of transfer will be granted.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation.

By _____
Chief Clerk.

February 18, 1929.

Re: Transfer Water Right- J. D. Little

THE ARCO ADVERTISER
Arco, Idaho

Gentlemen:-

Referring to your letter of the 18th inst. would say the date for the hearing upon the application of James D. Little for transfer of water right has been changed to the 7th day of March, thus allowing for the required two weeks publication.

Very truly yours,
GEO. H. CARTER
Commissioner of Reclamation.

By _____
Chief Clerk.

THE ARCO ADVERTISER

C. A. BOTTOLFSSEN, EDITOR & PUBLISHER

ALL THE NEWS OF THE LOST RIVER COUNTRY
CENTRAL IDAHO'S BEST ADVERTISING MEDIUM

FIRST CLASS JOB DEPARTMENT IN CONNECTION

ARCO, IDAHO

Feb. 15, 1929.

Hon. Geo. N. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear sir:

For some unexplainable reason the within enclosed notice for publication failed to reach this office until today--too late for the specified two weeks' publication prior to hearing.

We deeply regret this failure, and trust that the change of date can be effected without serious inconvenience to anyone. We thank you for the business, and believe me, we're not passing up any business of this nature just now.

With best wishes, very truly yours,

THE ARCO ADVERTISER

Mgr.

RECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date Feb. 8, 1929
18

PUBLISHER THE ADVERTISER

Arco, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two}~~four~~ consecutive weeks
prior to ~~February 25, 1929~~ ^{hearing} March 7, the date set for proof, the expense of the pub-
lication to be paid by the applicant, James D. Little, of Howe, Idaho ^{hearing}
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,

GEO. H. CARTER

Commissioner of Reclamation.

Notice of Proposed Transfer of Water Right

Notice is hereby given that James D. Little of Howe,
Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 0.6 second feet
 of the water of Little Lost River,

from the land upon which it is now used, i. e. Lot 1, Sec. 5, Twp. 5 N., R. 29 E., B.M.,

to the following described tracts SE¹ Sec. 10, and SW¹ Sec. 11, Twp. 5 N., R. 29 E., B.M.

And that, on the 25th ^{7th} day of February March, A. D. 190, at 10 o'clock a.m., at the Dept. of Reclamation, State House, Boise 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.

Geo. N. Carter,

Commissioner of Reclamation.

Re: APPLICATION FOR TRANSFER
James D. Little, Applicant

February 7, 1929.

OTTO P. HOEBEL, Esquire,
President, Butte County Bank,
Arco, Idaho.

Dear Sir:

This will acknowledge receipt of your communication of February 5, transmitting an application for transfer of adjudicated water right, James D. Little, applicant and owner, and Cashier's Check No. 6555 for \$1.00 to cover certificate fee if and when certificate is issued.

In examining the application I observe that the water which is sought to be transferred is not identified sufficiently. I have, therefore, taken the liberty of inserting on the face of the application after the priorities described the amount of water decreed under each priority date, which leaves the application in the following form:

"That he is the owner and using a certain water right, bearing date of priority of"	4/1/89	<u>.08 sec. ft.</u>
	6/1/91	<u>.34 sec. ft.</u>
	5/25/91	<u>.18 sec. ft.</u>

The underscored subject matter represents the amendment I have made to the application; such information would be necessary in issuing a certificate and otherwise the particular priorities which are the subject of transfer would not be definitely known.

The time and place of hearing is fixed for February 25, 1929, 10:00 o'clock A.M. at this office. Publication notice is being prepared and will be forwarded to the Arco Advertiser, as you request.

Receipt is also acknowledged of abstract of title which appears to vest ownership of the land to which the water right is appurtenant with the applicant.

Unless you anticipate protest, I do not understand that it will be necessary to make an appearance at the hearing. If protests are filed prior to date of hearing, you will be advised thereof.

Very truly yours,

Commissioner of Reclamation.

GNC/tp

92-263

Butte County Bank

CAPITAL AND SURPLUS \$42,500.00

ARCO, IDAHO

February 5, 1929

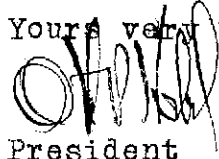
Commissioner of Reclamation
State of Idaho
Boise Ida

Dear Sir,

I enclose at the request of the parties thereto application of Jas D Little to transfer water on Little Lost River, together with abstract covering the land from which the water is to be transferred. Also check for ~~\$10.00~~\$1.00 which I believe is your office charge for handling this matter.

Will you please give this matter your attention, inserting the advertisement in the Arco Advertiser and setting date as early as possible. For your information in figuring length of notice, the Advertiser issues each Friday, closes for ads Wednesdays.

Yours very truly


President

Kindly acknowledge receipt.

*A.K. Hearing Feb 25, 1928.
at this office.
L.M.B.*

Application For Transfer of Water Right

STATE OF IDAHO,

County of

Butte

SS.

James W. Little, being first duly sworn, deposes and says:

That his name is James W. Little; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Howe, Ida.

That he is the owner and using a certain water right, bearing date of priority of

for 6/10 cubic feet per second of the waters of Little Lost River

County of Butte, State of Idaho, decreed to O. H. Wilde and Anna Wilde

by decree of Judge, Ralph W. Adair of the 6th Judicial District of the State of

Idaho, in and for the County of Butte, in the case of Blaine Co. Investment Co.

vs. R. G. Mays, et al, said decree bearing date of March 4 - 1927

(or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho,

dated _____, 19____, bearing date of priority 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: All of Lot One (1)

in Section Five (5) Township Five (5) North of Range Twenty-nine (29) East of

the Boise Meridian in Butte County, State of Idaho

and is the person (or representative of

the corporation) to whom such right so issued, or has become the owner thereof in the following man-

ner, i. e. Purchase

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 NW 1/4 NW 1/4 of

Section 32, Township 6 N, Range 29 E, B. M., and con-

ducted to the above described lands through sec. 32

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

That affiant and petitioner desires to abandon the use of 6/10 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:

The Southeast Quarter of Section Ten, and the Southwest Quarter

of Section Eleven, all in Township Five North, Range Twenty-nine

East of the Boise Meridian.

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

Sale of Water Right

RECORDED

That he intends to divert and convey said 6/10 second feet of water to the tract of land last above described in the following manner, to-wit: From NW¹/₄ NW⁴ sec 32 down Little Lost River Stream bed to E²/₂ SE⁴ sec. 4 T5N 29E

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

WHEREFOR, 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.

Subscribed and sworn to before me this

A. D. 1929.

James D. Little
5th day of February
Applicant.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Little Lost River
Where is the diversion point located? NW⁴ NW⁴ sec 32 T6N 29E
Through what ditch is it now conducted? Lateral From River
How much land is now irrigated by the water sought to be transferred? 40 acres
Give the description: Lot 17 Sec. 5

What is the total amount of water in inches, or second feet, dedicated to said land? 6/10 sec ft.
What kind of crops are being raised? ALFALFA
How much water per acre is now required to irrigate said land? 3/4 of inch
What will be the effect on the land now irrigated, if the use of water on it is discontinued?
Land to be farmed and Pastured

Give location of new point of diversion, if change is to be made E²/₂ SE⁴ sec. 4 T5N 29E
Through what ditch will it be conducted after transfer? Wilde Lateral
How much water will be required per acre to irrigate the land to which this water is transferred?
3/4 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. No

Signed

James D. Little
Applicant.

RECORDED

STATE OF IDAHO,

County of

Butte

SS.

C.W. Holland

and

Herman Hornyak

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 a 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 James D. Little 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.

x C.W. Holland

x Herman Hornyak

Subscribed and sworn to before me this

day of

February

A. D. 1929.

[Signature]

STATE OF IDAHO,

County of

Butte

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 James D. Little, 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: None

Watermaster Dist. No. 9

N.W. Hansen

Dated at

Arco

Idaho, this

5th

day of

February

1929.

SECRET

11-11-61