

Little Lost River

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO,

IN AND FOR BINGHAM COUNTY. ~~Blaine~~

X X X X X X X X X X X X X X X X X X

Chas. Bunting, et. al. x

vs x

D E C R E E .

Geo. Carlson, et. al. x

X X X X X X X X X X X X X X X X X X

This cause having been heretofore tried, by the Court, without a jury, and the Court having filed its Findings of Fact and conclusions of law, it is now, ordered, adjudged and decreed that the following parties are entitled to divert from Little Lost River, the amount of water herein indicated and that their rights shall date from the times herein after stated, to-wit:

C. Bunting, Jr.,	150 inches,	June 15", 1865.
E. R. Hawley,	560 "	September 1", 1879.
C. O. Sands,	160 "	April 1", 1886.
Jno. Briggs,	160 "	April 1", 1881.
Peter Lowe,	160 "	April 1", 1883.
D. B. Hawley,	400 "	September 1", 1879.
Geo & Ed Sands,	240 "	July 15", 1884.
John Kyle,	120 "	March 25", 1885.
F. Ireland,	120 "	April 1", 1886.
F. McGovern,	30 "	April 1", 1885.
M. Tallett,	20 "	April 1", 1885.
O. P. & O. H. Williams,	20 "	April 1", 1887.
John N. & E. Williams,	10 "	April 1", 1887.
J. R. Jones,	70 "	March 25", 1885.
John Wyatt,	60 "	April 1", 1889.
E. A. Readiker,	100 "	April 1", 1887.
A. J. Tenney,	25 "	April 1", 1888.
Neagle,	22 "	April 1", 1889.

right and all appropriations of equal date are of equal right, it is further adjudged and decreed that in case of insufficiency of water to supply all parties the entire volume is devoted to and used by those appropriators who are first in point of time.

It is further adjudged and decreed that all water diverted from said stream by any party shall be diverted through a box or flume so constructed as to permit an accurate measurement of the depth and fall of said stream flowing out of said Little Lost River.

That when not used for the irrigation of lands all water shall be returned to the natural channel of said Little Lost River and no diversion thereof allowed.

It is further adjudged and decreed that the costs in this action shall be paid 1/20 part by each of the parties to whom rights are decreed herein. It is further adjudged and decreed that Gus Coulson, E. Boyce, Taylor Furrer, C. N. Matly, Verton Hawley and Wm. Bartell, be and they and each of them are hereby enjoined from diverting or using in any manner any part of the water of Little Lost River, for irrigating purposes, or any other than domestic purposes.

Done in Open Court this March 12th, 1891.

D. W. Standred, Judge.

June 30th, 1891.

It appearing from an order filed herein this day that an error in the foregoing judgment had been made, whereby the claim of Chas. McDermitt on of the defendant herein was omitted from said judgment.

It is therefore ordered, adjudged and decreed that Chas McDermitt is entitled to one hundred and ten inches of water and the said amount is hereby decreed to him, said claim to date from Jan 1st 1885.

D. W. Standred, Judge.

Transcribed from Judgment Book 1, Page, of the records of Bingham County, Idaho.

Recorded in Book A of Judgments, page 10, Fremont Co. Idaho.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF IDAHO

IN AND FOR THE COUNTY OF FREMONT.

John W. Kyle, Porter W. Porter, and Hester Davis,
co-partners, as Davis and Porter, Frank Coffin,
Michael Fallert, John R. Rogers, John E. Wyatt,
Miller Jensen.

Plaintiffs,

W. H. Jones, A. J. Knollin and Edward Swift,
partners, under the firm name of A. J. Knollin
and Company, as

Intervenor Plaintiffs.

vs.

D E C R E E

.....

E. R. Hawley, D. B. Hawley, Alfred Green,
W. H. Bartel, Jr., Henry Aldous, O. P. Williams,
William Peck, John McKinley, Frank J. Stevens,
John Flohr, C. W. Stevens, Gus Coulson, Perry
Basinger, C. M. Mulkey, John Thomas, William
Thomas, Merton Hawley, Marion Hawley, wife of
D. B. Hawley, John Sheeche, Peter Lowe, O. L. Harmon, W. H.
Bartel, Sr., and James W. Perkins,

Defendants.

In this cause the parties hereto having heretofore by stipulation
agreed to submit the case to the Honorable F. J. Cowen, judge Pro. Tem.,
and the cause having come regularly for trial before the said Judge, sit-
ting without a jury, in March, 1906, G. F. Hansbrough Esq., and John W.
Jones, Esq., appearing on behalf of the plaintiffs, John W. Kyle, C. B.
Thornton (Frank Coffin) F. J. Stevens, Michael Fallert, Lorenzo Fallert,
John R. Rogers, A. H. Williams, Miller Jensen, O. P. Williams, A. J. Knollin
& Co., W. H. Aldous, G. D. Little, and E. E. Little, Messers Standrod and
Terrel and C. A. Merriman, appearing on behalf of E. R. Hawley, D. B. Hawley,
Marion Hawley, Merton Hawley, W. H. Jones, William Clark (John Sheeche)
Messrs Gray and Boyd appearing on behalf of Perry Basinger; J. Ed. Smith
appearing on behalf of O. L. Harmon, William Peck, W. H. Peck, W. H. Aldous,
and Adolph Wilde. And Holden Bros appearing on behalf of Gus Coulson, W. H.
Bartel, Sr., W. H. Bartel, Jr., C. M. Mulkey, O. P. Williams, A. H. Williams,
John McKinley, John Flohr.

William Thomas, John Thomas and C. W. Stevens did not appear nor
answer. And the default of the non-answering defendants, having been duly
entered, and the testimony of the witnesses sworn by on behalf of the res-

MICROFILMED

It is further adjudged and decreed that the defendants William Peck is entitled to the uninterrupted use of 80 inches of water from the waters of Deep Creek, measured under a four inch pressure or its equivalent in cubic feet per second of time, for the irrigation of his said lands. His right thereof to date from October 1st, 1900.

It is further ~~XXXXXXXXXX~~ adjudged and decreed that the defendant James W. Perkins, is entitled to the uninterrupted use of 80 inches of water measured under a four inch pressure or its equivalent in cubic feet per second of time of the waters of South Creek for the irrigation of his said lands to date from the 1st day of June 1905.

It is further adjudged and decreed that the defendant W. H. Bartel Sr is entitled to the uninterrupted use of 20 inches of water measured under a four inch pressure or its equivalent in cubic feet per second of time of the waters of South Creek a tributary of Little Lost River, for the irrigation of his said lands, to date from the 1st day of May 1889.

It is further adjudged and decreed that the following named parties are entitled to the uninterrupted use of the surplus or high waters of Little Lost River, when there is a surplus over and above the amounts necessary to supply the rights of the decree of March 13th, 1891, and also sufficient water to supply the 750 inches or 15 cubic feet per second of time, that said Little Lost River has been increased by reason of the construction of the saw Mill Ditch so-called, in the amounts and from the dates as follows, to-wit:-

John W. Kyle	70 inches	June 1, 1891
Little Bros a co-partnership composed of G. D. Little and E. E. Little		
	30 inches	June 1, 1891
C. B. Thornton	90 inches	June 1, 1891
Frank J. Stevens	80 inches	June 1, 1891

Michael Fallert	65 inches	June 1, 1891
Lorenzo Fallert	30 inches	June 1, 1891
John R. Rogers	115 inches	June 1, 1891
Miller Jensen	55 inches	May 15, 1900
W. H. Aldous	90 inches	May 1, 1896
O. P. Williams	70 inches	June 1, 1891
A. H. Williams	70 inches	June 1, 1891
A. J. Knollin & Co	300 inches	June 1, 1891
Gus Coulson	160 inches	March 14, 1891
William Clark	40 inches	June 1, 1891
E. R. Hawley	240 inches	June 1, 1891
E. R. Hawley	280 inches	June 1, 1891
W. H. Jones	220 inches	June 1, 1891
Merton Hawley	80 inches	June 1, 1891.

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It is further adjudged and decreed that Marion Hawley is entitled to the uninterrupted use of 40 inches of water measured under a four inch pressure or its equivalent in cubic feet per second of time of the waters of Little Lost River of the irrigation of her said lands to date from March 14th, 1891.

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It is further decreed, ordered and adjudged, that each of the parties hereto shall pay their own costs and expenses on account of witnesses and that they each pay an equal 1/25 share of the costs and expenses of the Court herein taxes at \$150.00 and that each of the said parties shall pay their proportionate share of the fee of the reporter for transcribing the testimony in this action according to the amount of testimony given, assessed to the said parties by the reporter in the following amounts to-wit:

MICROFILMED

Affidavit of Publication

I, C. A. Bottolfsen, publisher of **THE ARCO ADVERTISER**, published weekly at Arco, Idaho, 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 Four consecutive weeks, commencing with the issue dated

Nov. 2, 1917, and ending with the issue dated Nov. 23, 1917.

C. A. Bottolfsen

Subscribed and sworn to before me this 1st day of Dec, 1917.

W. J. Hamme
Notary Public.
Arco,

MICROFILMED

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT.

Notice is hereby given that William Fallert of Howe, Idaho, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of four-tenths of one second foot of the water of Little Lost river from the land upon which it is now used, i. e. W $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 3, T. 5 N., R. 29 E., B. M. to the following described tract: W $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 4, T. 5 N., R. 29 E., B. M.

And, that on the 4th day of December, A. D., 1917, at Howe, Idaho, before the State 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.

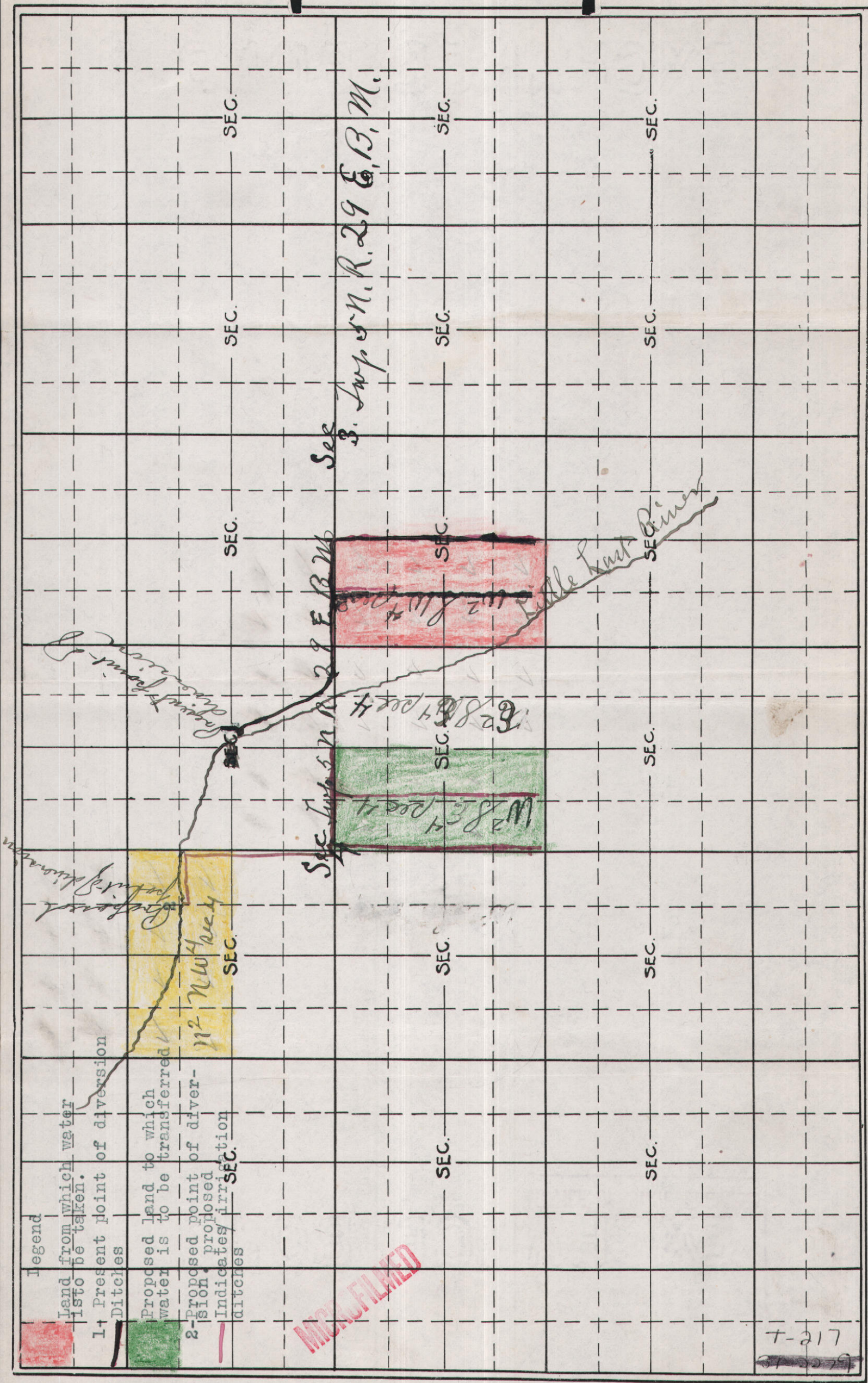
36-39

J. H. SMITH,
State Engineer.

T-217

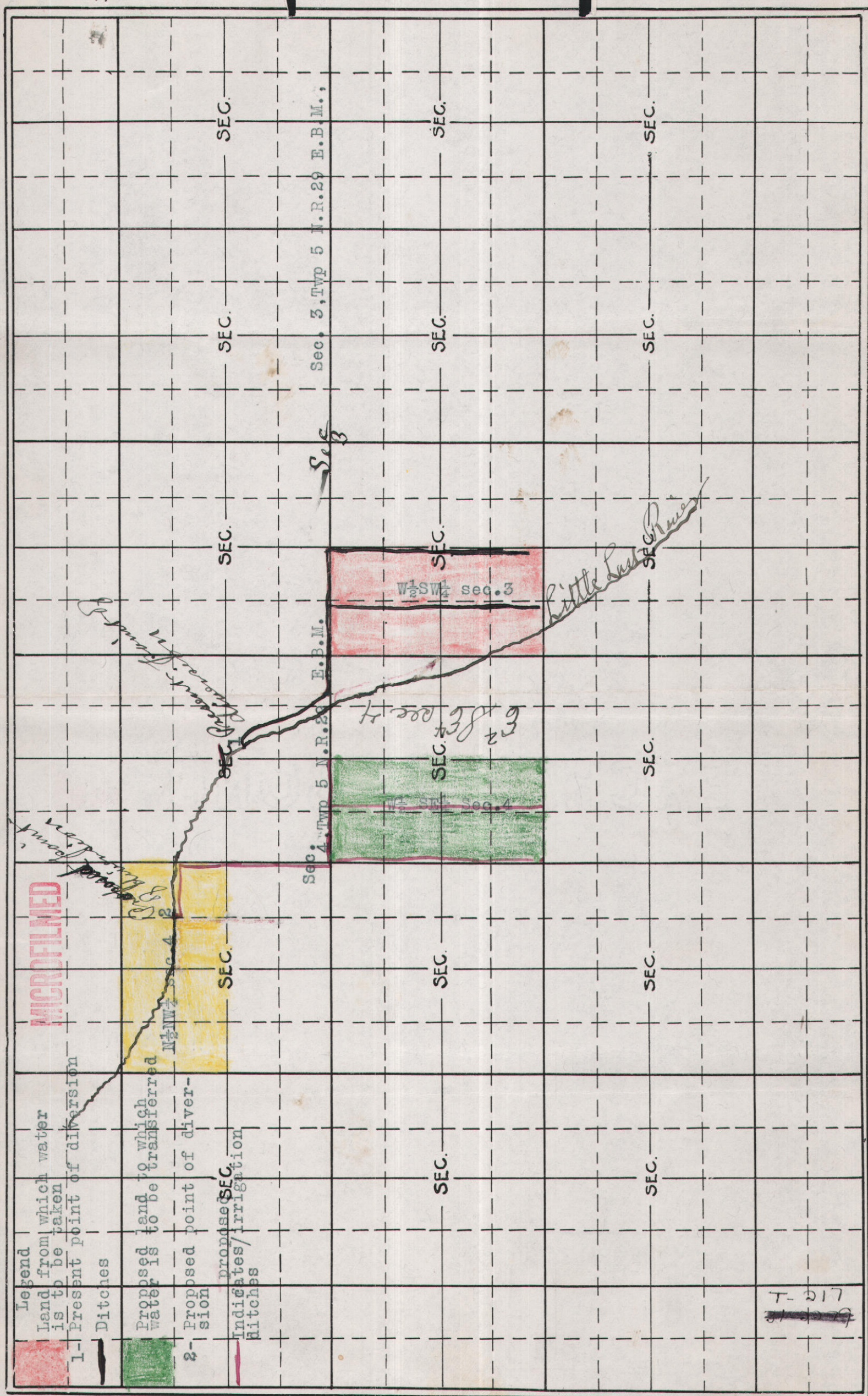
~~34-2279~~

Name of Applicant William Tallent



SCALE: 4 INCHES = 1 MILE. DRAW PLAN IN INK

Name of Applicant William Hallert



SCALE: 4 INCHES = 1 MILE. DRAW PLAN IN INK

Affidavit of Publication

I, C. A. Bottolfsen, publisher of **THE ARCO ADVERTISER**, published weekly at Arco, Idaho, 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 four consecutive weeks, commencing with the issue dated Nov 2, 1917, and ending with the issue dated Nov 23, 1917.

Subscribed and sworn to before me this 1st day of Dec., 1917.

W. J. Hamme
Notary Public.

MICROFILMED

Arco Idaho

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Jens N. Wilde of Howe, Idaho, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of four-tenths of one second foot of the water of Little Lost River from the land upon which it is now used, i. e. E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 4, T. 5 N., R. 29 E., B. M., to the following described tract: W $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 4, T. 5 N., R. 29 E., B. M.

And that, on the 4th day of December, A. D., 1917, at Howe, Idaho, before the State 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.

J. H. SMITH,
State Engineer.

36-39

Name of Applicant Jens N. Wilde

Legend.

Land from which water is
to be taken

1 Present point of diversion

proposed
Indicates irrigation ditches

[illegible]

2	Proposed point of diversion
---	-----------------------------

~~Indicates irrigation ditches where water is diverted upon lands at present~~

E₂SE₄, sec. 4, Twp. 5 N.R. 29 E.B.M.

W $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 4, Twp. 5 N. R. 29 E. B. M.

$$T\frac{1}{2}N\frac{1}{2} \text{ sec. 4}$$

54

Little Lost-Bird

UNCLASSIFIED

SCALE: $\frac{1}{4}$ INCHES = 1 MILE. DRAW PLAN IN INK

Name of Applicant - Jens N. Wilde

Legend.

Land from which water is
to be taken. U

1	Present point of diversion
	proposed
	Indicates irrigation ditches

[illegible]

2	Proposed point of diversion
---	-----------------------------

Indicates irrigation ditches where
water is diverted upon lands at present

$E_2^1SE\frac{1}{4}$, sec. 4, Twp. 5 N.R. 29 E.B.M.

W $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 5 N., R. 29 E., B. M.

sec. 4

Set 4

A hand-drawn sketch on a grid background. A curved line starts from the bottom left and goes towards the top right. The text "Little Land River" is written along the curve. The text "S.E. 1/4" is written near the top right end of the curve.

Prepared by: [Signature]

N 2 1/4 sec. 4

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

See right No.
33.0027

superseded by Blaine
Co. Inv. Co. vs. Map
been dated
3-4-27

S T A T E O F I D A H O

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 216, AUTHORIZING TRANSFER OF WATER RIGHT.

WATER DISTRICT NO. 9.

Permission is hereby granted Jens N. Wilde, of Howe, County of Butte, State of Idaho, to transfer the use of four-tenths of one (4/10 of 1) cubic foot per second of the waters of Little Lost River, in Water District No. 9, County of Butte, State of Idaho, from the lands upon which it is now used, i. e., the East half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section 4, Township 5 North, Range 29 East of Boise Meridian, to the following described tract, to-wit: West half of Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) of Section 4, Township 5 North, Range 29 East of Boise Meridian, said water to be diverted at a point in the center of the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4}$) of Section 4, Township 5 North, Range 29 East of Boise Meridian.

The water right appurtenant to the above described land was adjudged by decree, dated March 12, 1891, of D. W. Standrod, Judge of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bingham, in the case entitled Chas. Bunting, et al, plaintiffs, vs. Gus Coulson, et al, defendants, the title to the use of said water having been heretofore vested in the above named party by mesne deeds and conveyances.

The priority of the right under this Certificate of Transfer will date from April 1st, 1881.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 31st day of May, A. D. 1918.

FRED A. WILKIE,

State Engineer.

(SEAL)

Recorded in Water Dist. No. 9. - MEB
Platted on Map Water Dist. No. 9.
Date of Priority: April 1, 1881.
Amount: 4/10 of 1 sec. ft.
Source of Supply: Little Lost River.
Point of Div: Center of $NE\frac{1}{4} NW\frac{1}{4}$, T.
Sec 4, 5 N., R. 29 E., B.M.
Place Use: $W\frac{1}{2} SE\frac{1}{4}$, Sec. 4, T. 5 N.,
R. 29 E., B. M.

See right No.
 33-0027

superseded by Blaine
Ch. Investment Co. vs.
Map decree dated
3-4-27

S T A T E O F I D A H O

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 217, AUTHORIZING TRANSFER OF WATER RIGHT.

WATER DISTRICT NO. 9.

Permission is hereby granted William Fallert, of Howe, County of Butte, State of Idaho, to transfer the use of four-tenths of one ($4/10$ of 1) cubic foot per second of the waters of Little Lost River, in Water District No. 9, County of Butte, State of Idaho, from the lands upon which it is now used, i. e., the West half of the Southwest Quarter ($W\frac{1}{2}$ $SW\frac{1}{4}$) of Section 3, Township 5 North, Range 29 East of Boise Meridian, to the following described tract, to-wit: West half of the Southeast Quarter ($W\frac{1}{2}$ $SE\frac{1}{4}$) of Section 4, Township 5 North, Range 29 East of Boise Meridian, said water to be diverted at a point in the center of the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}$ $NW\frac{1}{4}$) of Section 4, Township 5 North, Range 29 East of Boise Meridian.

The water right appurtenant to the above described land was adjudged by decree, dated March 12, 1891, of D. W. Standrod, Judge of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bingham, in the case entitled Chas. Bunting, et al, plaintiffs, vs. Gus Coulson, et al, defendants, the title to the use of said water having been heretofore vested in the above named party by mesne deeds and conveyances.

The priority of the right under this Certificate of Transfer will date from April 1st, 1881.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 31st day of May, A. D. 1918.

FRED A. WILKIE,

State Engineer.

(SEAL)

Recorded in Water Dist. No. 9. ME6
Platted on Map, Water Dist. No. 9.
Date of Priority: April 1, 1881.
Amount: $4/10$ of 1 sec. ft.
Source of Supply: Little Lost River.
Point of Div: Center of $NE\frac{1}{4}$ $NW\frac{1}{4}$, Sec.
4, T. 5 N., R. 29 E., B. M.
Place Use: $W\frac{1}{2}$ $SE\frac{1}{4}$, Sec. 4, T. 5 N.,
R. 29 E., B. M.

RECORDED

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF IOWA,
IN AND FOR KEOKUK COUNTY. ~~Keokuk~~

X X X X X X X X X X X X X X X X

Chas. F. Smith, Pl. Ex. X

D E C R E E .

Geo. G. Latham, Pl. Ex. X

X X X X X X X X X X X X X X X X

This cause having been heard, & tried, by the Court, without a jury, and the Court having filed its Findings of Fact and conclusions of law, it is now, ordered, adjudged & decreed that the following parties be entitled to divert from Little Lost River, the amount of water therein indicated and that their rights shall date from the times herein after stated, to-wit:

C. Smith, Pl.,	120 "	June 15 th , 1885.
E. H. Bayler,	500 "	September 1 st , 1878.
C. O. Smith,	160 "	April 1 st , 1884.
John Smith,	100 "	April 1 st , 1881.
John Love,	150 "	April 1 st , 1883.
D. B. Bayler,	400 "	September 1 st , 1879.
Geo. G. Latham,	240 "	July 15 th , 1884.
John K. L.,	120 "	March 25 th , 1885.
F. E. L.,	110 "	April 1 st , 1886.
F. McGovern,	80 "	April 1 st , 1885.
M. T. L.,	80 "	April 1 st , 1885.
O. P. & O. H. Williams,	80 "	April 1 st , 1887.
John N. & W. Williams,	80 "	April 1 st , 1887.
J. L. Jones,	70 "	March 25 th , 1886.
John K. L.,	80 "	April 1 st , 1889.
E. A. L.,	100 "	April 1 st , 1887.
A. L. L.,	80 "	April 1 st , 1888.
Neogee,	80 "	April 1 st , 1889.

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It is further adjudged and decreed that all appropriators of equal date are of equal right, it is further adjudged and decreed that in case of insufficiency of water to supply all parties the entire volume is devoted to and used by those appropriators who are first in point of time.

It is further adjudged and decreed that all water diverted from said stream by any party shall be diverted through a box or flume so constructed as to permit an accurate measurement of the depth and fall of said stream flowing out of said Little Lost River.

There can be no use for the irrigation of lands all water shall be returned to the natural channel of said Little Lost River and no diversion therefrom allowed.

It is further adjudged and decreed that the costs in this action shall be paid 75% part by each of the parties to whom rights are decreed herein. It is further adjudged and decreed that Gus Coulson, E. Boyce, Taylor Parson, A. H. Hally, Vernon Hawley and Wm. Bartell, be and they and each of them are hereby enjoined from diverting or using in any manner any part of the water of Little Lost River, for irrigating purposes, except other than domestic purposes.

Done in Open Court this March 10th, 1891.

D. W. Standard, Judge.

June 30th, 1891.

It appearing from an order filed herein this day that an error in the foregoing judgment had been made, whereby the claim of Chas. McDermitt of the defendant herein was omitted from said judgment.

It is therefore ordered, adjudged and decreed that Chas. McDermitt is entitled to one hundred and ten inches of water and the said amount is hereby decreed to him, said claim to date from Jan 1st 1895.

D. W. Standard, Judge.

Copied from Judgment Book 1, Page, of the records of Bingham County, Idaho.

Record Book A of Judgments, page 10, Fremont Co. Idaho.

UNRECORDED

See file No's 33-0027
33-0025

S T A T E O F I D A H O

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 202, AUTHORIZING TRANSFER OF WATER RIGHT.

WATER DISTRICT NO. 9.

superseded by
Blaine Co. In re
Co. vs. Mayade
dated 3-

Permission is hereby granted Warren C. Thornton, of Howe, County of Butte, State of Idaho, to transfer the use of thirty (30) inches of the waters of Little Lost River, and tributaries, in Water District No. 9, County of Butte, State of Idaho, from the lands upon which it is now used, i. e., the west 71 acres of the Southeast quarter (SE $\frac{1}{4}$), of Section 5, Township 5 North, Range 29 East of the Boise Meridian, to the following described tract, to-wit:- Northeast quarter of Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, Township 5 North, Range 29 East of the Boise Meridian; said water to be diverted at a point in the Northeast quarter of Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, Township 5 North, Range 29 East of the Boise Meridian.

The water right appurtenant to the above described lands was adjudged by decree, dated March 12, 1891, of D. W. Standrod, Judge of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, in the case of John Bunting, et al, plaintiffs, vs. Gus Colson, et al, defendants; also, decree dated July 9th, 1907, of F. J. Owen, Judge of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of John W. Kyle, et al, plaintiffs, Vs. E. R. Hawley, et al, defendants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 23rd day of July, 1917.

J. H. SMITH,

State Engineer.

SEAL)

Notes of priority

4/11/89

5/25/91

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF IDAHO

IN AND FOR THE COUNTY OF FREMONT.

John E. Kyle, Porter E. Porter, and Hester Davis,
co-partners, as Davis and Porter, Frank Coffin,
Michael Fallert, John R. Rogers, John E. Wyatt,
Miller Jensen.

Plaintiffs,

W. H. Jones, A. J. Knollin and Edward Swift,
partners, under the firm name of A. J. Knollin
and Company, as

Intervenor Plaintiffs.

vs.

D E C R E E

.....

E. R. Hawley, D. B. Hawley, Alfred Green,
W. H. Bartel, Jr., Henry Aldous, O. P. Williams,
William Peck, John McKinley, Frank J. Stevens,
John Flohr, C. W. Stevens, Gus Coulson, Perry
Basinger, C. M. Mulkey, John Thomas, William
Thomas, Merton Hawley, Marion Hawley, wife of
D. B. Hawley, John Sheeche, Peter Lowe, C. L. Harmon, W. H.
Bartel, Sr., and James W. Perkins,

Defendants.

In this cause the parties hereto having heretofore by stipulation
agreed to submit the case to the Honorable F. J. Cowen, judge Pro. Tem.,
and the cause having come regularly for trial before the said Judge, sit-
ting without a jury, in March, 1906, G. F. Hansbrough Esq., and John W.
Jones, Esq., appearing on behalf of the plaintiffs, John E. Kyle, C. B.
Thornton (Frank Coffin) F. J. Stevens, Michael Fallert, Lorenzo Fallert,
John R. Rogers, A. H. Williams, Miller Jensen, O. P. Williams, A. J. Knollin
& Co., W. H. Aldous, G. D. Little, and E. E. Little, Messers Standrod and
Terrel and C. A. Herriman, appearing on behalf of E. R. Hawley, D. B. Hawley,
Marion Hawley, Merton Hawley, W. H. Jones, William Clark (John Sheeche)
Messrs Gray and Boyd appearing on behalf of Perry Basinger; J. Ed. Smith
appearing on behalf of C. L. Harmon, William Peck, W. H. Peck, W. H. Aldous,
and Adolph Wilde. And Holden Bros appearing on behalf of Gus Coulson, W. H.
Bartel, Sr., W. H. Bartel, Jr., C. M. Mulkey, O. P. Williams, A. H. Williams,
John McKinley, John Flohr.

William Thomas, John Thomas and C. W. Stevens did not appear nor
answer. And the default of the non-answering defendants, having been duly
entered, and the testimony of the witnesses sworn by on behalf of the res-

RECORDED
INDEXED

It is further adjudged and decreed that the defendants William Peck is entitled to the uninterrupted use of 80 inches of water from the waters of Deep Creek, measured under a four inch pressure or its equivalent in cubic feet per second of time, for the irrigation of his said lands. His right thereof to date from October 1st, 1900.

It is further ~~XXXXXXXXXXXX~~ adjudged and decreed that the defendant James W. Perkins, is entitled to the uninterrupted use of 80 inches of water measured under a four inch pressure or its equivalent in cubic feet per second of time of the waters of South Creek for the irrigation of his said lands to date from the 1st day of June 1905.

It is further adjudged and decreed that the defendant W. H. Bartel Sr is entitled to the uninterrupted use of 20 inches of water measured under a four inch pressure or its equivalent in cubic feet per second of time of the waters of South Creek a tributary of Little Lost River, for the irrigation of his said lands, to date from the 1st day of May 1889.

It is further adjudged and decreed that the following named parties are entitled to the uninterrupted use of the surplus or high waters of Little Lost River, when there is a surplus over and above the amounts necessary to supply the rights of the decree of March 13th, 1891, and also sufficient water to supply the 750 inches or 15 cubic feet per second of time, that said Little Lost River has been increased by reason of the construction of the saw Mill Ditch so-called, in the amounts and from the dates as follows, to-wit:-

John W. Kyle	70 inches	June 1, 1891
Little Bros & co-partnership composed of G. D. Little and E. E. Little		
	30 inches	June 1, 1891
G. A. Thornton	90 inches	June 1, 1891
Frank J. Stevens	80 inches	June 1, 1891

Michael Fallert	65 inches	June 1, 1891
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John R. Rogers	115 inches	June 1, 1891
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T. H. Aldous	90 inches	May 1, 1895
O. P. Williams	70 inches	June 1, 1891
A. H. Williams	70 inches	June 1, 1891
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William Clark	40 inches	June 1, 1891
E. R. Hawley	240 inches	June 1, 1891
E. R. Hawley	280 inches	June 1, 1891
W. H. Jones	220 inches	June 1, 1891
Merton Hawley	30 inches	June 1, 1891.

13

It is further adjudged and decreed that Marion Hawley is entitled to the uninterrupted use of 40 inches of water measured under a four inch pressure or its equivalent in cubic feet per second of time of the waters of Little Lost River of the irrigation of her said lands to date from March 14th, 1891.

14

It is further decreed, ordered and adjudged, that each of the parties hereto shall pay their own costs and expenses on account of witnesses and that they each pay an equal 1/25 share of the costs and expenses of the Court herein taxes at \$150.00 and that each of the said parties shall pay their proportionate share of the fees of the reporter for transcribing the testimony in this action according to the amount of testimony given, assessed to the said parties by the reporter in the following amounts to-wit:

RECEIVED
MAY 10 1891

Reprint

Little Lost River

SECOND DIVISION

JAMES McMILLAN, COMMISSIONER

TWIN FALLS, IDAHO

1910

IN THE DISTRICT COURT OF THE
FIFTH JUDICIAL DISTRICT
OF IDAHO
IN AND FOR
BLAINE COUNTY

Chas. Bunting, et al.,

vs.

Gus Coulson, et al.

DECREE.

This cause having been heretofore tried by the Court, without a jury, and the Court having filed its findings of fact and conclusions of law; it is now ordered, adjudged and decreed that the following parties are entitled to divert from Little Lost River the amount of water herein

indicated, and that their rights date from the times herein-after stated, to-wit:

C. Bunting, Jr.....	160 inches,	June 15, 1885
E. R. Hawley.....	560 inches,	Sept. 1, 1879
C. O. Sands.....	160 inches,	April 1, 1886
Jno. Briggs.....	160 inches,	April 1, 1881
Peter Lowe.....	160 inches,	April 1, 1883
D. B. Hawley.....	400 inches,	Sept. 1, 1879
Geo. and Ed Sands.....	240 inches,	July 15, 1884
John Kyle.....	120 inches,	March 25, 1885
F. Ireland.....	120 inches,	April 1, 1886
F. McGovern.....	30 inches,	April 1, 1885
M. Fallett.....	20 inches,	April 1, 1885
O. P. and O. H. Williams.....	80 inches,	April 1, 1887
John Y. and E. Williams.....	40 inches,	April 1, 1887
H. R. Jones.....	70 inches,	March 25, 1885
John Wyatt.....	80 inches,	April 1, 1889
E. A. Readiker.....	100 inches,	April 1, 1887
A. J. Teeney.....	25 inches,	April 1, 1888
Neagle.....	20 inches,	April 1, 1889
W. Coffin.....	20 inches,	April 1, 1889
E. R. Jones.....	30 inches,	April 1, 1888

That the first appropriator in point of time is first in point of right, and all appropriations of equal date are of equal right.

It is further adjudged and decreed that in case of insufficiency of water to supply all parties, the entire volume is to be devoted to and used by those appropriators who are first in point of time.

It is further adjudged and decreed that all water diverted from said stream, by any party, shall be diverted through a box or flume, so constructed as to permit an accurate measurement of the depth and fall of said stream flowing out of said Little Lost River.

That when not used for the irrigation of lands, all waters shall be returned to the natural channel of said Little Lost River, and no diversions thereof allowed.

It is further adjudged and decreed that the costs in this action shall be paid 1-20 part by each of the parties to whom rights are decreed herein.

It is further ordered, adjudged and decreed that Gus Coulson, E. Boyce, Taylor Furron, C. N. Maltz, Werton Hawley and Wm. Bartell, be and each of them are hereby

enjoined from diverting or using in any manner any part of the waters of Little Lost River for irrigation purposes, or any other than domestic purposes.

Done in open Court, this March 12, 1891.

D. W. STANDROD,
Judge.

June 30th, 1891.

It appearing from an order filed herein this day that an error in the foregoing judgment has been made whereby the claim of Charles McDermott, one of the defendants herein, was omitted from said judgment; it is therefore ordered, adjudged and decreed that said Chas. McDermott is entitled to one hundred and ten inches of water and the said amount is hereby decreed to him, said claim to date from Jan. 1, 1885.

D. W. STANDROD,
Judge.

(Recorded in Judgment Book 1, page 57.)

June 4, 1918.

Re Fallert Transfer.

Mr. W. J. Lamm,
Arco, Idaho.

Dear Sir:-

Enclosing herewith certificate of transfer
in favor, together with abstract of title. Receipt
for fee is included with that of Jens M. Wilde.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

CH217

T-217

UNRECORDED

Affidavit of Publication

I, C. A. Bottolfsen, publisher of **THE ARCO ADVERTISER**, published weekly at Arco, Idaho, 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 Four consecutive weeks, commencing with the issue dated Nov. 2, 1917, and ending with the issue dated Nov 29 1917.

Subscribed and sworn to before me this 1st day of Dec, 1917.

W J Hamme
Notary Public.
Arco,

RECORDED

NOTICE OF PUBLICATION

Notice is hereby given that the Fullert of Horse Idaho, has been to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of four Little East of Arco Idaho, which it is now used for SW 1/4, Section 3, T. 5 N., R. 10 E., M. to the following described SW 1/4 of SE 1/4, Section 4, T. 5 N., R. 10 E., B. M.

And, that on the 11th day of December, A. D. 1917, at Arco, Idaho, before the State Engineer, or his authorized agent, the certificate was given to any and all persons to whom and present for his consideration, the reason or reasons why a certificate should not be issued, authorizing the transfer.

J. H. SMITH,
State Engineer.

36-39

T-217

October 25, 1917.

Re: Transfer of Water Right.

Publisher of the Advertiser,
Arco, Idaho.

Dear Sir:

Am herewith enclosing notice of Transfer of water right which please publish one a week for four consecutive weeks. The expense of this publication will be paid by Wm. Fallert of Howe, Idaho, to whom you will please send notice of publication on or prior to December 4th. Kindly send me a copy of the first publication in order that I may check same with the records here.

Very truly yours,

J. H. SMITH,

State Engineer.

By

CB/MB
Enc: Notice.

T-217

MICROFILMED

October 26, 1917.

Re: Transfer of Water Right.
Wm. Fallert & Jens N. Wilde.

Mr. W. J. Lamme, Atty.,
Arco, Idaho.

Dear Sir:

December 4, 1917 has been set as the date for hearing in the matter of the above entitled transfer, and we are today sending notices for publication to the Arco Advertiser.

Your letter of October 23d enclosing abstract of title in the matter of the application of Jens N. Wilde was received today.

Very truly yours,

J. H. Smith,

State Engineer.

By

CB/MB

T-217

MICROFILMED

Notice of Proposed Transfer of Water Right

Notice is hereby given that William Vallert of Howe
Idaho, has applied to the State Engineer of the State of Idaho for a certificate
 authorizing him to transfer the use of four-tenths of one second foot of the water of
Little Lost River
 from the land upon which it is now used, i. e. W $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 3, T. 5 N., R. 29 E., B.M.
 to the following described tract: W $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 4, T. 5 N., R. 29 E., B.M.

And that, on the 4th day of December, A. D.
 1917, at Howe, Idaho,
 before the State Engineer
~~Water Conservation Commission~~, 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 certifi-
 cate should not be issued authorizing such transfer.

Full details of the proposed transfer may be obtained from

~~Watermaster of said stream.~~
Watermaster of said stream.

J. H. Smith,
 State Engineer

T-217

W. J. LAMME
LAWYER
ARCO, IDAHO

Sept. 4, 1917.

Hon. J. H. Smith; State Engineer,

Boise; Idaho.

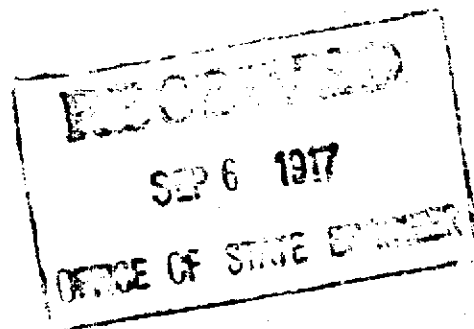
Dear Sir:-

As per your letter of Aug. 28th, I am enclosing maps prepared on a larger scale; application for transfer of water right for Jens N. Wilde and Wm. Fallert.

Will forward abstract in few days.

Yours very truly,

W. J. Lamme



T-217

August 28, 1917.

Mr. W. J. Lamme,
Arco, Idaho.

Dear Sir:

This is to acknowledge receipt of yours
of the 27th enclosing application for transfer
of water right for Jens N. Wilde and Wm. Fallert.

I am returning herewith the maps as they
do not clearly show the relation existing between
the lands to be irrigated and that from which
the water is to be taken and will ask you to
prepare maps on a larger scale and have different
coloring or other means showing the present land
and its ditches and the proposed land and its
ditches.

Yours very truly,

J. H. Smith,

State Engineer.

By

FAW/MB

Deputy.

File: Appl. Ts.
Encl. 4 Maps.

P. S. We are returning your check for \$2.00
as no fee is necessary at this time.

MICROFILMED

T-217

Application for Transfer of Water Right

STATE OF IDAHO.

County of Butte

} ss.

William Fallert

, being first duly sworn, deposes and says:

That his name is William Fallert; 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, Butte County, Idaho,

That he is the owner and using a certain water right of 1.6 cubic feet per second of the waters of Little Lost river

County of Butte, State of Idaho, decreed to Jno. Briggs

by decree of Judge D.W. Standred, of the

Fifth Judicial District of the State of Idaho, in and for the County of Bingham

, in the case of Chas. Bunting et al

vs. Gus Coulson et al, said decree bearing date of March 12, 1891

(or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____), for the purpose of irrigating the

following described lands situate, lying and being in the County of Butte and

State of Idaho, to-wit: W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 3; Twp. 5 N. R. 29 E.B.M.

_____ and is the person (or the 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;

That said waters are now diverted from said stream at the Northwest corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 4; Twp. 5 N. R. 29 E.B.M.

and conducted to the above described lands through ditch

as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of (.4) Four-tenths cubic foot per second of time 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: W $\frac{1}{2}$ of SE $\frac{1}{4}$; Sec. 4; Twp. 5 North; Range 29 E.B.M.;

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

for the irrigation of said land for the purpose of raising crops thereon; that there is no water appurtenant to said land.

T-217

MICROFILMED

That he intends to divert and convey said four-tenths cubic feet of water to the tract of land last above described in the following manner, to-wit: _____
by means of dam constructed in said Little Lost river near the center of NB $\frac{1}{2}$ NW $\frac{1}{2}$; Sec. 4; Twp 5 North, Range 29 E.B.M. Said dam and headgate was constructed during the present year, 1917, under the supervision of the State Engineers Office. Material used in construction, concrete

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of the Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Subscribed and sworn to before me this

23

day of

August

A. D. 1917

William Fallert

W. J. Larume

Natary Public, Arco, Idaho

STATE OF IDAHO,

County of Butte

} ss.

Charles Kyle

and

Dixon 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 House Idaho that he is a user of water from Little Lost River, County of Butte, State of Idaho; that he has read or heard read the foregoing affidavit and petition of William Fallert, 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 Kyle
Dixon Kyle

Subscribed and sworn to before me this

23

day of

August

A. D. 1917

W. J. Larume

Natary Public, Arco, Idaho

County of.

\$\$.

I,

Watermaster of

County of

State of Idaho, whose postoffice address is

Idaho, have read or heard read the foregoing affidavit and petition of
William Feller, 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 State Engineer 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: This will extend the beneficial use of water

W. F. Sutcliffe

Watermaster.

Notice having been duly published for thirty days of the intention of the above named.

William Tallert to apply to the State Engineer of the State of Idaho for a certificate authorizing the transfer of water as set forth in this affidavit and petition herein, and an opportunity having been given to any and all persons opposing said transfer to present their objections in a public hearing before me at Hoover, Idaho, on Dec. 4, 1917, according to the terms of said notice;

And it not appearing at said hearing that anyone would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said applicant, authorizing the transfer as prayed for in his petition; ~~or (and it appearing at said hearing that the following injuries would be sustained by others if such transfer is permitted.~~

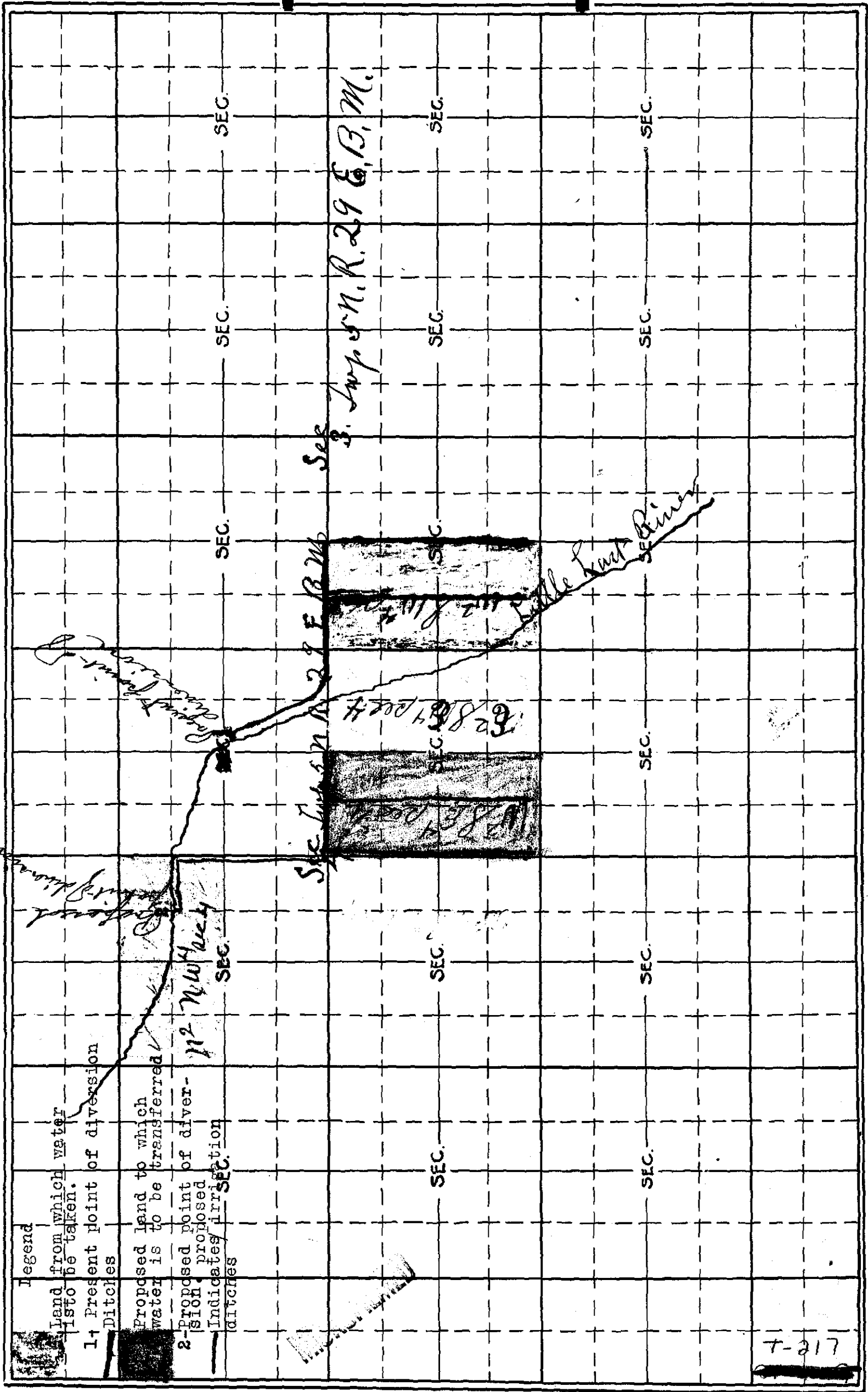
I hereby recommend that the State Engineer do ~~not~~ issue the certificate authorizing the transfer sought hereinabove.

Fred H. Wehrle
Deputy St. Eng.
Commissioner of Water Division No. _____

By

T. 217

Name of Applicant *William Tallent*



Name of Applicant--William Hallert

SCALE: 4 INCHES = 1 MILE. DRAW PLAN IN INK

W. J. LAMME
LAWYER
ARCO, IDAHO

Oct. 23, 1917.

State Engineers Office;

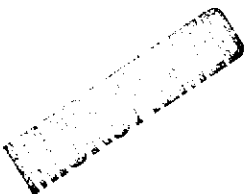
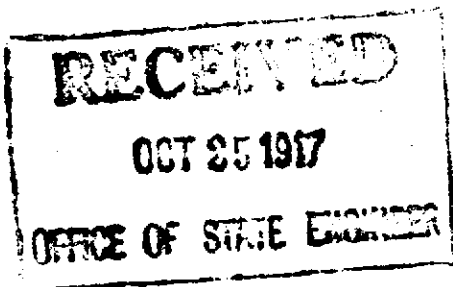
Boise, Idaho.

Gentlemen:- Enclosed abstract fo water right in the matter of the application of Jens N. Wilde for transfer of water right, which application was file some time ago.

The reason of delay in forwarding abstract was correcting title Will forward abstract in Fall rt application for transfer of water right soon.

Yours very truly;

W J Lamme



Affidavit of Publication

I, C. A. Bottolfsen, publisher of **THE ARCO ADVERTISER**, published weekly at Arco, Idaho, 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 four consecutive weeks, commencing with the issue dated Nov 2, 1917, and ending with the issue dated Nov 23 1917.

C. A. Bottolfsen

Subscribed and sworn to before me this 1st day of Dec, 1917.

W. J. Hamme

Notary Public.

MICROFILMED

Arco Idaho

NOTICE OF PROPOSED TRANSFER OF WATER RIGHTS

Notice is hereby given that I, J. H. SMITH, State Engineer of the State of Idaho, do hereby authorize the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of the water of the second foot of the Lost River from the land upon which it is now used, i. e. E. 1/4 of Sec. 4, T. 5 N., R. 29 E., to the following described tract, to-wit: Sec. 4, T. 5 N., R. 29 E., to the State Engineer, A. D., 1917, as follows: for the State Engineer, as authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any objection or reasons why a certificate should not be issued authorizing such transfer.

J. H. SMITH
State Engineer

36-39

October 25, 1917.

Re: Transfer of Water Right.

Publisher of the Advertiser,
Arco, Idaho.

Dear Sir:

Am herewith enclosing notice of Transfer of water right which please publish one a week for four consecutive weeks. The expense of this publication will be paid by Jens N. Wilde of Howe, Idaho, to whom you will please send notice of publication on or prior to December 4th. Kindly send me a copy of the first publication in order that I may check same with the records here.

Very truly yours,

J. H. SMITH,

State Engineer.

By

CE/MB
Enc: Notice.

NOT RECORDED

Notice of Proposed Transfer of Water Right

Notice is hereby given that Jens N. Wilde of Howe
Idaho, has applied to the State Engineer of the State of Idaho for a certificate
 authorizing him to transfer the use of four-tenths of one second foot of the water of
Little Lost River
 from the land upon which it is now used, i. e. W₂ of SE₁, Sec. 4, T. 5 N., R. 29 E., B.M.
 to the following described tract: W₂ of SE₁, Sec. 4, T. 5 N., R. 29 E., B.M.

And that, on the 4th day of December, A. D.
 1917, at Howe, Idaho,
State Engineer
 before the ~~Water Commissioner of this Division~~ 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 certifi-
 cate should not be issued authorizing such transfer.

Full details of the proposed transfer may be obtained from

~~the Water Commissioner of this Division~~
 Watermaster of said stream.

J. H. Smith,
 State Engineer.

August 28, 1917.

Mr. W. J. Lamme,
Arco, Idaho.

Dear Sir:

This is to acknowledge receipt of yours
of the 27th enclosing application for transfer
of water right for Jens H. Wilde and Wm. Fallert.

I am returning herewith the maps as they
do not clearly show the relation existing between
the lands to be irrigated and that from which
the water is to be taken and will ask you to
prepare maps on a larger scale and have different
coloring or other means showing the present land
and its ditches and the proposed land and its
ditches.

Yours very truly,

J. H. Smith,

State Engineer.

By

PAW/MB

Deputy.

File: Appl. Ts.
Encl. 4 Maps.

P. S. We are returning your check for \$2.00
as no fee is necessary at this time.

MICROFILMED

W. J. LAMME
LAWYER
ARCO, IDAHO

August 27, 1917.

State Engineers Office;

Boise, Idaho.

Gentlemen:-

Enclosed applications for transfer of water right of Jens N. Wilde and William Fallert; also check for \$2.00.

Will send you abstract in the course of ten days. Owing to the fact that records are not all transcribed makes it rather slow to secure abstract as part of records are in another county.

Yours very truly;



RECORDED
INDEXED

app. T. S.

June 4, 1918.

Re Wilde Transfer.

Mr. W. J. Lamm,
Arco, Idaho.

Dear Sir:—

Enclosing herewith certificate of transfer in
favor of Jens E. Wilde, together with abstract of title
and receipt for fee paid.

Very truly yours,

FRED A. WILKIE.

State Engineer.

OTR16-R1677-Abs.

By _____

MICROFILMED

W. J. LAMME
LAWYER
ARCO, IDAHO

M. O. 28202
J. W.

April 19, 1918.

Re Transfers of Water Rights.

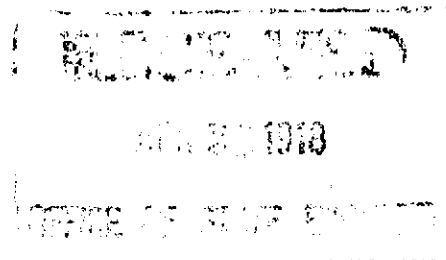
State Engineer's Office,
Boise, Idaho.

Gentlemen:- Your letter of April 17, 18, stating that upon receipt of fee of \$1.00 each, a certificate for transfer of water rights will be issued to Wm. Fallert and Jens N. Wilde.

Enclosed post-office order for two dollars in payments of fees in the foregoing applications.

Yours very truly,

W. J. Lamme



INDEXED

April 17, 1918.

Re Transfers of Water Rights.

Mr. W. J. Lamm, Attorney,
Arco, Idaho.

Dear Sir:--

Upon receipt of fees of \$1.00, each, certificates for transfer
of water rights will be issued to Wm. Fallert and Jens N. Wilde.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

MICROFILMED

W.J. LAMME
LAWYER
ARCO, IDAHO

April 15, 1918

Hon. Fred A. Wilkie,

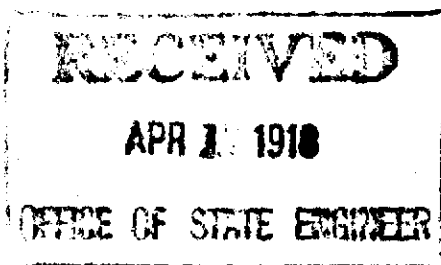
State Engineer, Boise, Idaho.

Dear Sir:

Has the permit for the transfer of water right of Wm. Fallert
& Jens N. Wilde been issued?

Yours very truly,

W. J. Lamme



RECEIVED

Application for Transfer of Water Right

STATE OF IDAHO,

County of Butte

ss.

Jens N. Wilde

, being first duly sworn, deposes and says:

That his name is Jens N. Wilde; 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, Butte County, State of Idaho.

That he is the owner and using a certain water right of 1.6/10 cubic feet per second of the waters of Little Lost river

County of Butte, State of Idaho, decreed to Jno. Briggs

by decree of Judge D.W. Standrod

Fifth Judicial District of the State of Idaho, in and for the County of Bingham

, in the case of Chas. Bunting et al. vs.

vs. Gus Coulson, et al., said decree bearing date of March 12, 1891

(or obtained by virtue of License No. , issued by the State Engineer of the State of Idaho, dated) , for the purpose of irrigating the

following described lands situate, lying and being in the County of Butte and State of Idaho, to-wit:

E $\frac{1}{2}$ of the SE $\frac{1}{4}$, Sec. 4, Twp. 5 North, Range 29 E.B.M.

and is the person (or the 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;

That said waters are now diverted from said stream at the Northwest corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 4, Twp. 5 N. R. 29 E.B.M.

and conducted to the above described lands through ditch

as per map hereto attached and of this affidavit made a part;

time That affiant and petitioner desires to abandon the use of 4/10 cubic foot per second Of 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: W $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 4, Twp 5 North, Range 29 E.B.M.,

That his reasons for desiring to make such transfer are as follows: for the irrigation of said land and the raising of crops thereon; that there is not any water which is now appurtenant to said land

MICROFILMED

That he intends to divert and convey said (4/10) four-tenths of water to the tract of land last above described in the following manner, to-wit: will divert said water from Little Lost river near the center of NE 1/4 NW 1/4, Sec. 4, Twp. 5 N., Range 29 E.B.M., by means of a dam built in said river, height of dam 12 feet, length of dam at top 100 feet, length of dam at bottom 120 feet. Said dam and headgate was built during the year 1917 of concrete, under the supervision of the State Engineer's office

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of the Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Subscribed and sworn to before me this 23 day of August

A. D. 1917.

Jens N. Wilde

W. J. Lammie
Notary Public, Arco, Idaho.

STATE OF IDAHO,

County of Butte

} ss.

Charles Kyle

and

Dixon 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, Butte County, Idaho that he is a user of water from Little Lost river, County of Butte, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Jens N. Wilde, 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.

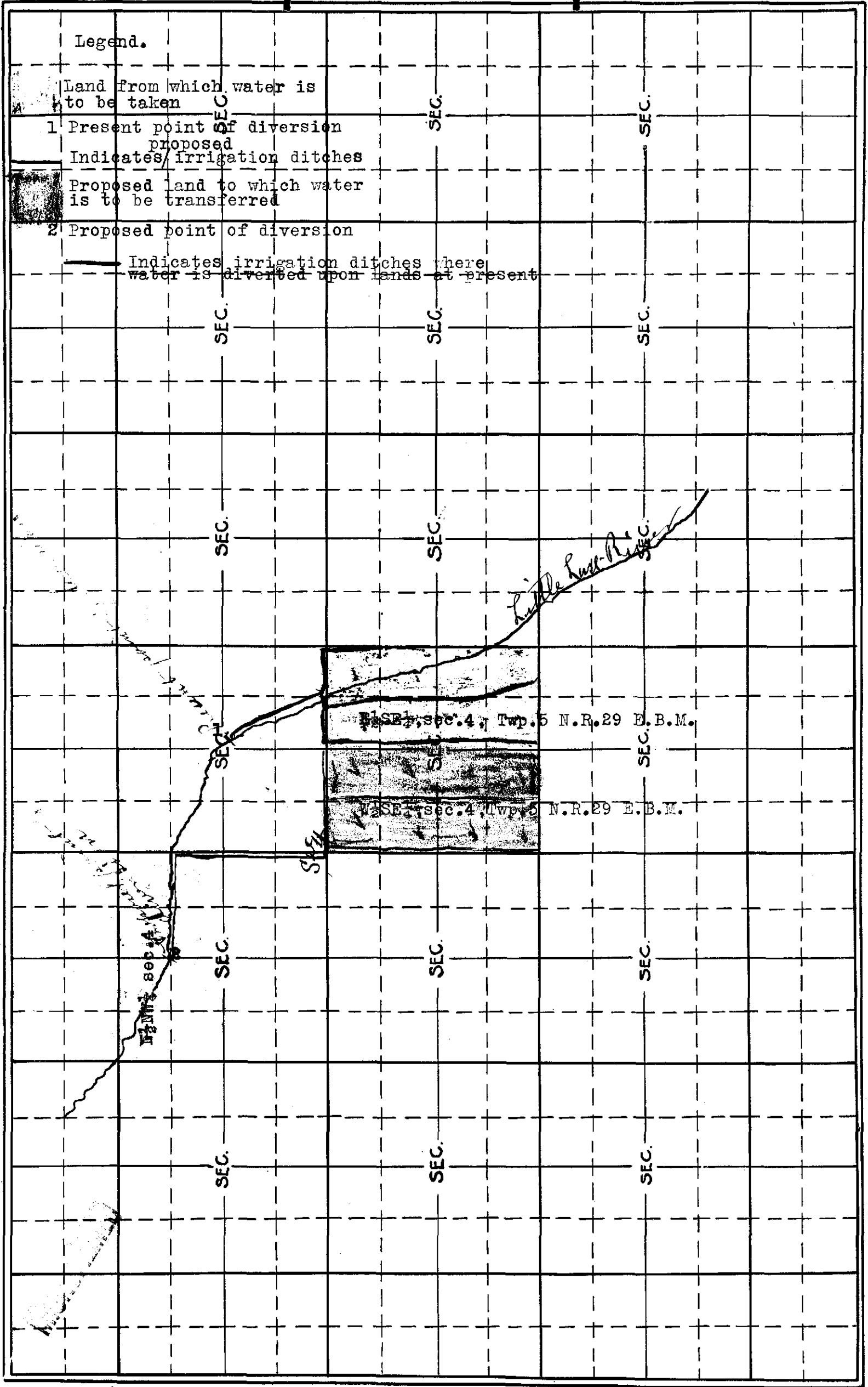
Charles Kyle
Dixon Kyle

Subscribed and sworn to before me this 23 day of August

A. D. 1917

W. J. Lammie
Notary Public, Arco, Idaho.

Name of Applicant Jens N. Wilde



[illegible]

Land from which water is
to be taken. U

[illegible]

Indicates irrigation ditches where
water is diverted upon lands at present

SE $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4, Twp. 5 N.R. 29 E.B.M.

W. 1/4, Sec. 4, Twp. 5 N. R. 29 E. B. M.

SCALE: 1/4 INCHES = 1 MILE. DRAW PLAN IN INK

STATE OF IDAHO,

County of Butte } SS.

I, W. L. Sutcliffe, Watermaster of 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 Jens N. Wilder

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 State Engineer 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: This will inhibit the beneficial use of water

W. L. Sutcliffe

Watermaster.

Notice having been duly published for thirty days of the intention of the above named.....

Jens N. Wilder to apply to the State Engineer of the State of Idaho for a certificate authorizing the transfer of water as set forth in this affidavit and petition herein, and an opportunity having been given to any and all persons opposing said transfer to present their objections in a public hearing before me at Howe, Idaho, on Dec. 4, 1917, according to the terms of said notice;

And it not appearing at said hearing that anyone would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said applicant, authorizing the transfer as prayed for in his petition; or ~~(and it appearing at said hearing that the following injuries would be sustained by others if such transfer is permitted.~~

I hereby recommend that the State Engineer do ~~not~~ issue the certificate authorizing the transfer sought hereinabove.

Lud A. Wickie
Deputy State Engineer,
Commissioner of Water Division No. 9.

By ~~~~~

RECORDED