

See file No's 33-0027
33-0025

STATE OF IDAHO

---OFFICE OF STATE ENGINEER---

CERTIFICATE NO. 202, AUTHORIZING TRANSFER OF WATER RIGHT.

WATER DISTRICT NO. 9.

*superse
Blaine Co.
Co. vs. Ma
dated*

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 its tributaries, in Water District No. 9, County of Butte, State of Idaho, from the lands on which it is now used, i. e., the west 71 acres of the Southeast quarter (SE $\frac{1}{4}$), of Section 10, Township 5 North, Range 29 East of the Boise Meridian, to the following described lands, 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, 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 J. W. 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. L. A. Hawley, et al, defendants.

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

J. H. SMITH,

State Engineer.

SEAL)

MICROFILMED

4/1/89

5/25/91

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., Henery 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 Sheehe, 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 Sheehe)
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 ~~adjudged~~ 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 of 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.

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.

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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 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:

MICROFILMED

Little Lost River

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO,
IN AND FOR RINGHAM COUNTY. ~~Idaho~~

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

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.,	160 inches,	June 15", 1885.
E. R. Hawley,	500 "	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", 1894.
John Kyle,	120 "	March 25", 1885.
F. Ireland,	120 "	April 1", 1886.
F. McGovern,	30 "	April 1", 1885.
M. Talbot,	20 "	April 1", 1885.
O. P. & O. H. Williams,	80 "	April 1", 1887.
John M. & E. Williams,	40 "	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. Teeney,	25 "	April 1", 1888.
Heagle,	22 "	April 1", 1889.
W. Olson,	20 "	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 2/20 part by each of the parties to whom rights are decreed herein. It is further adjudged and decreed that Gus Cowlson, E. Boyce, Taylor Furrer, C. N. Matly, Werton 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. 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 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 3rd 1895.

D. W. Standrod, Judge.

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

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

RECORDED

See File No. 33-0027
33-0028

STATE OF IDAHO

---OFFICE OF STATE ENGINEER---

ORDER OF THE STATE ENGINEER, AUTHORIZING THE DIVERSION OF WATER RIGHTS.

WATER RIGHT NO. 1.

Handwritten notes:
See File No. 33-0027
33-0028
W. S. May

Permission is hereby granted to John L. Harrison, of Howe, County of Butte, State of Idaho, to divert the use of thirty (30) inches of the waters of Little Lost River, tributaries, to water right No. 1, County of Butte, State of Idaho, from the lands which it is now used, i. e., the west 7/8 corner of the Southeast quarter (SE 1/4), Section 9, Township 8 North, Range 20 East of the Boise Meridian, to the following described lands: the North east and part of Northeast quarter (NE 1/4 NE 1/4), Section 4, Township 8 North, Range 20 East of the Boise Meridian; said water to be diverted at a point in the North quarter of North East quarter (NE 1/4 NE 1/4), Section 4, Township 8 North, Range 20 East of Boise Meridian.

The water right appurtenant to the above described lands was adjudged by decree, dated 12, 1901, of H. C. Tenney, 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, Plaintiff, vs. John L. Harrison, Defendant; also, decree dated July 9th, 1907, of H. C. Tenney, 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 L. Harrison, et al, Plaintiffs, vs. John Bunting, et al, Defendants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 6th day of July, 1917.

J. S. SMITH,

State Engineer.

RECORDED
INDEXED
JUL 10 1917
CLERK OF DISTRICT COURT
FIFTH JUDICIAL DISTRICT
IDAHO

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF IDAHO

IN AND FOR THE COUNTY OF FREMONT.

John W. Kyle, Porter L. 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,
J. H. Bartel, Jr., Henry Aldous, O. P. Williams,
William Peck, John McKinley, Frank J. Stevens,
John Flohr, C. M. Stevens, Gus Coulson, Perry
Basinger, C. M. Mulkey, John Thomas, William
Thomas, Merton Hawley, Marion Hawley, wife of
D. B. Hawley, John Sheeche, Peter Love, C. E. 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) P. 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. Harriman, appearing on behalf of E. R. Hawley, D. B. Hawley,
Marion Hawley, Merton Hawley, W. H. Jones, William Clark (John Sheeche)
Messers Gray and Boyd appearing on behalf of Perry Basinger; J. Ed. Smith
appearing on behalf of C. E. Harmon, William Peck, W. H. Peck, W. H. Aldous,
and Adolph Wilde. And Holden Bros appearing on behalf of Gus Coulson, A. J.
Bartel, Sr., J. H. Bartel, Jr., C. M. Mulkey, O. P. Williams, A. H. Williams,
John McKinley, John Flohr.

William Thomas, John Thomas and C. M. 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-

It is further adjudged and decreed that the defendant William Peck is entitled to the uninterrupted use of 30 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 thereto to date from October 1st, 1900.

It is further ~~adjudged~~ 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 T. 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 new Mill River so-called, in the amounts and from the dates as follows.

erto-will-

John W. Erie	70 inches	June 1, 1891
Little Lost River co-partnership composed of J. D. Little and E. E. Little	20 inches	June 1, 1891
A. H. Hargrave	20 inches	June 1, 1891
Frank J. Hargrave	50 inches	June 1, 1891

Michael Fallert	85 inches	June 1, 1891
Moreno Fallert	30 inches	June 1, 1891
John R. Rogers	115 inches	June 1, 1891
Walter Jensen	85 inches	May 15, 1900
C. H. Adams	90 inches	May 1, 1896
C. L. 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
W. A. Hawley	340 inches	June 1, 1891
W. A. Hawley	280 inches	June 1, 1891
W. H. Jones	220 inches	June 1, 1891
Morton Hawley	50 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 hereinafter 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:

rights and 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 to any point 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 shall be allowed.

It is further adjudged and decreed that the costs in this action shall be paid 2/30 part by each of the parties to whom rights are decreed herein. It is further adjudged and decreed that Gus Carlson, E. Rorpe, Taylor Peterson, C. N. Matly, Varion Hawley and Wm. Bartell, be and they 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 22nd, 1895.

D. W. Standred, Judge.

June 30th, 1895.

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

It is therefore ordered, adjudged and decreed that Chas. McHermitt 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. Standred, Judge.

This is taken from Judgment Book 1, Page, of the records of Blingham County, Idaho.

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

INDEXED

1

August 4, 1917.

Re Transfer No. 202.

Mr. W. C. Thornton,
Howe, Idaho.

Dear Sir:—

Enclosing herewith certificate of transfer with
receipt for fee.

Very truly yours,

J. H. SMITH,

State Engineer.

OT202

By _____

July 26th, 1917.

Re Certificate of Transfer.

Mr. W. C. Thornton,
Howe, Idaho.

Dear Sir:--

Upon receipt of statutory fee of \$1.00, the certificate
of transfer of water right will be mailed you.

Very truly yours,

J. H. SMITH,

State Engineer.

By_____

Application for Transfer of Water Right

STATE OF IDAHO,

County of Butte

SS.

Warren C. Thornton

being first duly sworn, deposes and says:

That his name is Warren C. Thornton; 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 Idaho

That he is the owner and using a certain water right of 1.4 second feet of the waters of Little Lost River and Tributaries

County of Butte, State of Idaho, decreed to William Coffin and C.B. Thornton by decrees of Judges D.W. Standard and F.J. Brown, of the

5th & 6th Judicial Districts of the State of Idaho, in and for the County of Blaine and Fremont,

in the cases of Chas Bunting et al and John W Kyle et al vs. Sue Conklin et al and R. Haroley et al, said decree bearing date of March 12, 1891 and July 9th, 1907

(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: West 71 acres of the S.E. 1/4, Twp. 5 N. 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 north west corner of the north west quarter of section ten, Twp. 5 N. Range 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 said affiant and petitioner desires to abandon the use of 30 inches or 6 cu. 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: N.E. 1/4 N.E. 1/4 sec. 5, Twp. 5 North Range 29 E B.M.

That his reasons for desiring to make such transfer are as follows: I will be nearer school for my children, better roads, better land, and can get better carrying from my water as it takes the point of diversion up stream. Also will do away with carrying water thru a long high levee or ditch.

That he intends to divert and convey said .6 second foot of water to the tract of land last above described in the following manner, to-wit: thru ditch

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 26 day of May
A. D. 1917

Warren C. Thornton
R. F. Sutcliffe
Notary Public
Residence Thrus Idaho

STATE OF IDAHO,
County of Butte } ss.

Chas Kyle and Wm Fallert

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 Home
that he is a user of water from Little Lost River, County of Butte

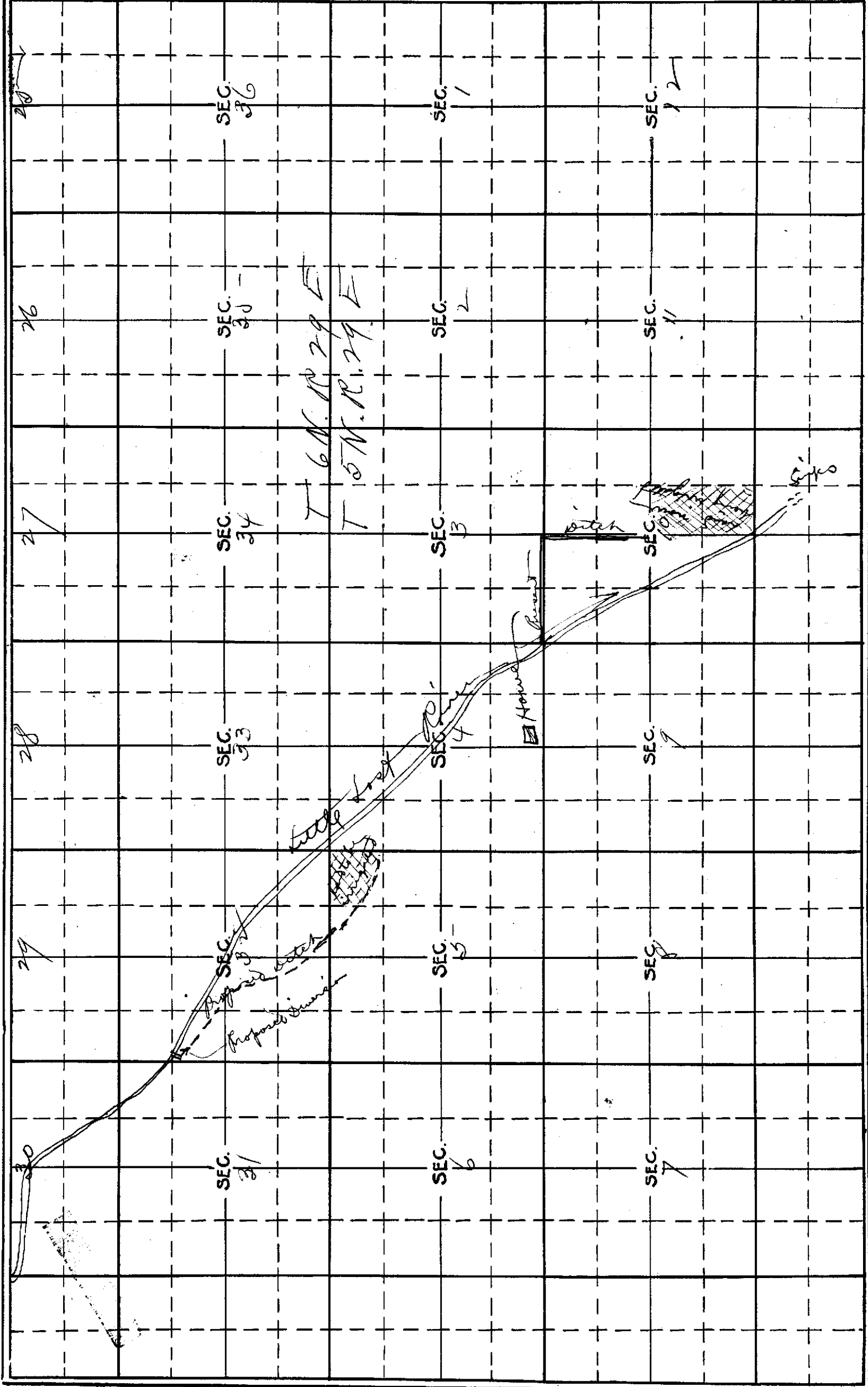
State of Idaho; that he has read or heard read the foregoing affidavit and petition of Warren C. Thornton

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.

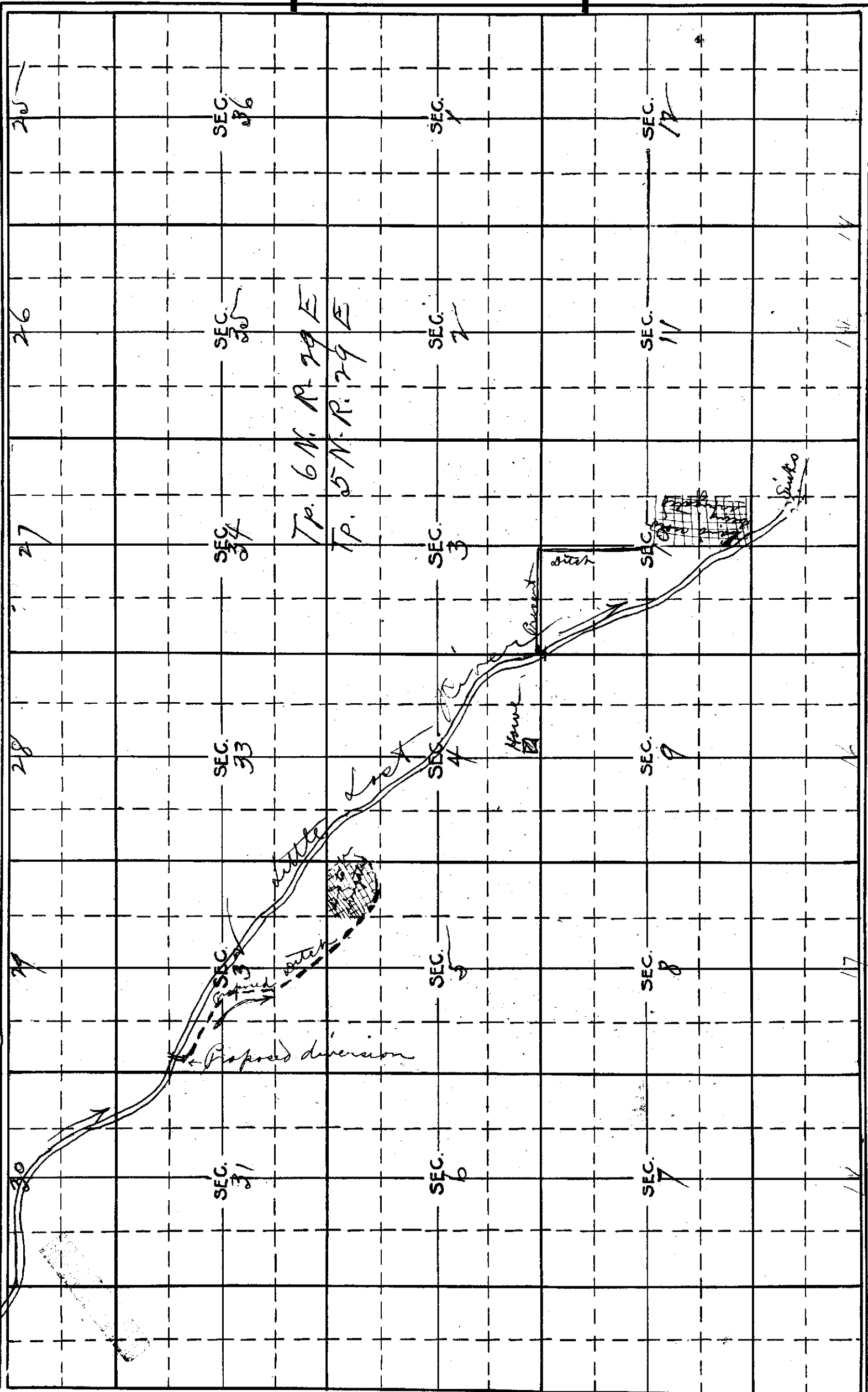
Subscribed and sworn to before me this 31 day of May
A. D. 1917
Chas Kyle
Wm Fallert
R. F. Sutcliffe
Notary Public
Residence Thrus Idaho

NOTARIAL

Name of Applicant Warren C. Thornton



Name of Applicant Warren C. Thronton



STATE OF IDAHO

County of Battle

} ss.

Warren C. Thornton

being first duly sworn, upon his

oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:

West seventy one acres of the South east quarter Section ten,
Twp. 5 North Range Twenty nine east B.M.as evidenced by the decrees dated March 12, 1891 and July 9th, 1907 day of

in the causes entitled

Chas. Bunting et al vs Gus Coulton et al and
John H. Lytle et al vs F. P. Hawley et al

Plaintiff,

vs.

Defendant, brought

in the district courts of the 5th + 6th

Judicial District of the State of Idaho, or

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

No.

That he intends to change the point of diversion, as described in said decree or permit, to the following point:

NE 1/4 NE 1/4 Sec 25, Twp 5 N Range 29 E B.M. (This is diversion
from main ditch or lateral)

That such change will be made for the following reasons, to-wit:

I intend to transfer water from my present land to other
land and will have to take the water out from point described
above in order to irrigate same.(Diversion to be made from Little Lost River
in S.W. 1/4 N.W. 1/4 Sec 32, Twp 6 N R. 29 E.)

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

Warren C. Thornton

Subscribed and sworn to before me this

26

day of

May

My commission expires

Sept 29, 1917

(Over)

F. P. Setcliffe

Notary Public.

Residence Home Idaho

JUN 2 - 1917

OFFICE OF STATE ENGINEER

Effective April 10, 1911

STATE ENGINEER'S OFFICE

REGULATIONS AS TO CHANGE OF
POINT OF DIVERSION

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section:

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the lands to be irrigated.
 - (f) Lands to be irrigated to be shown by crosshatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Point or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me.....191.... and correctly shows position of points indicated thereon.

Engineer.

P. O.

Date

191....

(over.)

STATE OF IDAHO,

County of Butte } ss.

I, R. F. Sutcliffe, Watermaster of Little Lost River, Dist. No. 9

County of Butte, State of Idaho, whose postoffice address is.....

Have, Idaho, have read or heard read the foregoing affidavit and petition of Warren C. Thornton

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: I believe statements made by petitioner to be

true and that it will be to his benefit to so change.

R. F. Sutcliffe

Watermaster.

given, and a public hearing had on

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

Warren C. Thornton 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 Have, Idaho, on May 25, 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 appli-

cant, authorizing the transfer as prayed for in his petition; or ~~(and it appearing at said hearing that the fol-~~

~~lowing 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. Wilkie
Deputy State Engineer.
Commissioner of Water Division No. 1

By _____

RECORDED