

See file 33-0017 for Appl, Letters etc.

33-0020

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 781

THIS IS TO CERTIFY That ROBERT R. MAYS, of Howe, Idaho, is the owner of and using the following rights for 6.80 cubic feet per second of the waters of Little Lost River:

1.30 c.f.s. with priority of April 1, 1883
1.28 c.f.s. with priority of June 1, 1885
.26 c.f.s. with priority of April 1, 1885
1.28 c.f.s. with priority of April 1, 1883
.16 c.f.s. with priority of April 1, 1889
2.10 c.f.s. with priority of June 1, 1891
.42 c.f.s. with priority of May 25, 1891

said water being decreed to Robert G. Mays by Judge Ralph W. Acar of the District Court of the 6th Judicial District of the State of Idaho, in and for the County of Butte, in the case of

BLAINE COUNTY INVESTMENT COMPANY
Plaintiff,

vs.

ROBERT G. MAYS, ET AL.,
Defendants.

said decree bearing date of March 6, 1927, and being appurtenant to the following described lands, to-wit:

N $\frac{1}{2}$ Section 10, Township 5 North, Range 29 E.B.M.
E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 9, Township 5 North, Range 29 E.B.M.

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

That said Robert R. Mays has become the owner of said water rights through purchase.

And that now, upon the application of Robert R. Mays of Howe, Idaho, for the transfer of 6.80 cubic feet per second of the waters of Little Lost River, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 6.80 cubic feet per second of said water upon the above described land is hereby abandoned and the place of use of said water under such rights hereby confirmed shall, by this certificate become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

N $\frac{1}{2}$ Section 12, Township 5 North, Range 29 E.B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

6.80 cubic feet per second of the water
of Little Lost River with the above described priorities.

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That the water rights hereby transferred will be conducted to the last above described lands through private ditches and with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 18th day of November, A. D. 1931.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 780

THIS IS TO CERTIFY That ROBERT R. MAYS and J. E. MAYS & SONS, of
Howe, Idaho, are the owners of and using the following rights for 16.80 cubic
feet per second of the waters of Little Lost River:

160 inches or 3.20 c.f.s. with priority of April 1, 1883
160 inches or 3.20 c.f.s. with priority of June 1, 1885
30 inches or .60 c.f.s. with priority of April 1, 1885
160 inches or 3.20 c.f.s. with priority of April 1, 1886
20 inches or .40 c.f.s. with priority of April 1, 1889
260 inches or 5.20 c.f.s. with priority of June 1, 1891
50 inches or 1.00 c.f.s. with priority of May 25, 1891

said water being decreed to Robert G. Mays et al, by Judge Ralph W. Adair of the
District Court of the 6th Judicial District of the State of Idaho, in and for the
County of Butte, in the case of

BLADE COUNTY INVESTMENT COMPANY
Plaintiff,

vs.

ROBERT G. MAYS, ET AL.,
Defendants.

said decree bearing date of March 6, 1927, and being appurtenant to the following
described lands, to-wit:

$\frac{R}{2}$ $\frac{N}{2}$ Section 9, $\frac{N}{2}$ $\frac{SW}{4}$ Section 10, $\frac{W}{2}$ $\frac{NW}{4}$ Section 14,
 $\frac{N}{2}$ Section 15, and $\frac{R}{2}$ $\frac{NE}{4}$ Section 16, Township 5 North,
Range 29 East, B.M.

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

That said Robert R. Mays and J. E. Mays & Sons have become the owners
of said water rights through purchase.

And that now, upon the application of Robert R. Mays and J. E. Mays &
Sons, of Howe, Idaho, for the transfer of 16.80 cubic feet per second of said water,
made before the State Reclamation Engineer of the State of Idaho, and said appli-
cation having been granted, the right to the use of 16.80 cubic feet per second of
the water of such water rights upon the above described lands is hereby abandoned
and the land to which the water rights hereby confirmed shall, by this certificate,
become appurtenant for irrigation and domestic purposes are described as follows, to-wit

96 inches or 1.90 c.f.s. with priority of April 1, 1883
96 inches or 1.92 c.f.s. with priority of June 1, 1885
17 inches or .34 c.f.s. with priority of April 1, 1885
96 inches or 1.92 c.f.s. with priority of April 1, 1886
12 inches or .24 c.f.s. with priority of April 1, 1889
155 inches or 3.10 c.f.s. with priority of June 1, 1891
29 inches or .58 c.f.s. with priority of May 25, 1891

Or a total of 500 inches or 10.00 c.f.s. to the following described lands to-wit:
 $\frac{SW}{4}$ Section 10, $\frac{R}{2}$ $\frac{SE}{4}$ Section 9, $\frac{W}{2}$ $\frac{NE}{4}$ Section 14, $\frac{N}{2}$ Section 15, and $\frac{R}{2}$ $\frac{NE}{4}$
Section 16, all in Township 5 North, Range 29 East, B.M., and

RECEIVED

65 inches or 1.30 c.f.s. with priority of April 1, 1883
64 inches or 1.28 c.f.s. with priority of June 1, 1885
13 inches or .26 c.f.s. with priority of April 1, 1885
64 inches or 1.28 c.f.s. with priority of April 1, 1886
8 inches or .16 c.f.s. with priority of April 1, 1889
105 inches or 2.10 c.f.s. with priority of June 1, 1891
21 inches or .42 c.f.s. with priority of May 25, 1891
Or a total of 340 inches or 6.80 c.f.s. to the following lands to-wit: N $\frac{1}{2}$ Section
10 and E $\frac{1}{2}$ N $\frac{1}{2}$ Section 9, Township 5 North, Range 29 East, B.M.

That said water is to be limited at any given time to an amount actually
needed and beneficially used for such purposes, and shall not exceed the following
amount, to-wit:

16.80 cubic feet per second of the
water of Little Lost River with the
above described priorities.

That the water rights hereby transferred will be conducted to the land
above described lands through private ditches and with no change in point of diver-
sion.

That the right to the use of the water aforesaid, hereby confirmed, is
restricted to the lands or place of use last above described, as provided by the
laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official
seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed
at Boise, Idaho, this 16th day of November, A.D. 1951.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

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

33-B ✓
NUMBERED

THE BLAINE COUNTY INVESTMENT
COMPANY, a corporation,

Plaintiff,

vs

ROBERT G. MAYS, et al.,

Defendants.

D E C R E E

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I.

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

II.

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

1.

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South half ($S\frac{1}{2}$) of Section Seven (7); South half ($S\frac{1}{2}$), and Northwest Quarter ($NW\frac{1}{4}$) of Northwest Quarter ($NW\frac{1}{4}$) of Section Seven (7); South half ($S\frac{1}{2}$) and South half of Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$) of Section Eight (8); all of Sections Sixteen (16), Seventeen (17), and Eighteen (18); South half ($S\frac{1}{2}$) of Section Fifteen (15); North half ($N\frac{1}{2}$), Southeast Quarter ($SE\frac{1}{4}$) and North half of Southwest Quarter ($N\frac{1}{2}SW\frac{1}{4}$) of Section Nineteen (19); all of Sections Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27) and Twenty-eight (28); North half ($N\frac{1}{2}$) of Northeast Quarter ($NE\frac{1}{4}$); Northwest quarter of Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$); North half ($N\frac{1}{2}$) and Southeast Quarter of Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section Twenty-nine (29); Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$); North half of Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$), and Southeast Quarter of Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) Section Thirty-two (32); Northeast Quarter ($NE\frac{1}{4}$) and North half of South half ($N\frac{1}{2}S\frac{1}{2}$) and Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty (30); North half ($N\frac{1}{2}$) and Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-three (33); North half ($N\frac{1}{2}$); North Half of South Half ($N\frac{1}{2}S\frac{1}{2}$), and Southeast Quarter of Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section Thirty-four (34); all of Sections thirty-five (35) and T Thirty-six, in Township Six (6) North, Range Twenty-nine (29) East Boise B. & M.; Southwest Quarter ($SW\frac{1}{4}$) Section Twenty (20) South half ($S\frac{1}{2}$) and South half of North half ($S\frac{1}{2}N\frac{1}{2}$) of Section Nineteen (19); all Sections Twenty-nine (29) and Thirty (30); North half of Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$) of Section Thirty-one (31), and Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-one (31) and East half of Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$) of Section Thirty-one (31) in Township Six (6) North, Range Thirty (30) East Boise B. & M.

VII.

ROBERT G. MAYS and LUCY MAYS, husband and wife,
ELMO MAYS and ANNA MAYS, husband and wife,

From Little Lost River:	160 inches, April 1, 1883;	33	0013
	160 inches, June 1, 1885;	33	0013
	30 inches, April 1, 1885;	33	0019
	160 inches, April 1, 1886;	33	0020
	20 inches, April 1, 1889;	33	0021
	260 inches, June 1, 1891;	33	0022
From Saw Mill Creek:	50 inches, May 25, 1891.	33	0023

Points of diversion:

From Little Lost River:

From Saw Mill Creek: At the mouth of said stream.
to be used upon and appurtenant to:

The Northwest Quarter, the Northeast Quarter, and Southwest Quarter, Section 10; the Northwest Quarter, the South half of the Northeast quarter and the North half of the Northeast Quarter, Section 15; the West half of the Northwest Quarter, Section 14; the East half of the East half, Section 9, and the East half of the Northeast Quarter, Section 16, all in Township 5 North, Range 29 East of the Boise Meridian.

VIII.

JENS N. WILDE and MARY WILDE, husband and wife:

From Little Lost River:	20 inches, April 1, 1889;	33	0021
From Saw Mill Creek:	55 inches, May 25, 1891;	33	0027
	95 inches, June 1, 1891;	33	0028

Points of Diversion:

From Little Lost River:

Little Lost River

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO,
IN AND FOR BENEFIT COUNTY. ~~Benef~~

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

Chas. Bunting, et. al. X

v. X

D E C R E E .

Gus Coulson, et. al. X

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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", 1884.
John Kyle,	120 "	March 25", 1885.
F. Ireland,	120 "	April 1", 1886.
F. McGovern,	30 "	April 1", 1885.
M. Tallent,	20 "	April 1", 1885.
O. P. & O. H. Williams,	80 "	April 1", 1887.
John H. & E Williams,	10 "	April 1", 1887.
J. R. Jones,	70 "	March 25", 1885.
John Wyatt,	50 "	April 1", 1889.
E. A. Readiter,	100 "	April 1", 1887.
A. J. Teehey,	25 "	April 1", 1888.
Neagle,	22 "	April 1", 1889.
W. Coffin,	20 "	April 1", 1889.
E. R. Jones,	30 "	April 1", 1888.

The first appropriation in point of time is first in point of

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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. W. 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. McDernitt on of the defendant herein was omitted from said judgment.

It is therefore ordered, adjudged and decreed that Chas McDernitt 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. Standrod, 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.

RECORDED

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 Five consecutive weeks, commencing with the issue dated Jan. 22, 1915, and ending with the issue dated Feb. 19, 1915.

Subscribed and sworn to before me this 15th day of March, 1915.

H. C. Salt,

Notary Public.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Jennie L. Jones of Howe, Idaho has applied to the State Engineer of the State of Idaho for a certificate authorizing her to transfer the use of 100 inches of the water of Little Lost River, from the land upon which it is now used, i.e. E $\frac{1}{2}$ of E $\frac{1}{2}$ of Sec. 9, and W $\frac{1}{4}$ of Sec. 10, and NE $\frac{1}{4}$ of Sec. 10, T. 5 N., R. 29 E. B. M. to the following described tract: N $\frac{1}{2}$ of Sec. 15, and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 14, T. 5 N., R. 29 E. B. M.

And that, on the 23rd day of February, A. D. 1915, at Arco, before T. C. Salt, 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.

Full details of the proposed transfer may be obtained from Roy L. Sutcliffe Watermaster of said stream.

HERBERT WING,
Acting State Engineer.

See file 33-0017 for Appl, Letters etc.

33-0020

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 781

THIS IS TO CERTIFY That ROBERT E. RAY, of Howe, Idaho, is the owner of and using the following rights for 6.80 cubic feet per second of the waters of Little Lost River:

1.30 c.f.s. with priority of April 1, 1893
1.18 c.f.s. with priority of June 1, 1895
.16 c.f.s. with priority of April 1, 1895
1.18 c.f.s. with priority of April 1, 1895
.16 c.f.s. with priority of April 1, 1895
5.10 c.f.s. with priority of June 1, 1891
.48 c.f.s. with priority of May 25, 1891

said water being decreed to Robert E. RAY by Judge Ralph J. Blair of the District Court of the 6th Judicial District of the State of Idaho, in and for the County of Blaine, in the case of

BLAINE COUNTY IRRIGATION COMPANY
Plaintiff,
vs.

ROBERT E. RAY, et al.,
Defendants.

said decree bearing date of March 6, 1907, and being appurtenant to the following described lands, to-wit:

1/2 Section 10, Township 5 North, Range 19 E.B.M.
1/4 NE 1/4 Section 9, Township 5 North, Range 19 E.B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of decrees, beginning at Page 26.

That said Robert E. RAY has become the owner of said water rights through purchase.

And that now, upon the application of Robert E. RAY of Howe, Idaho, for the transfer of 6.80 cubic feet per second of the waters of Little Lost River, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 6.80 cubic feet per second of said water upon the above described land is hereby abandoned and the place of use of said water under such rights hereby confirmed shall, by this certificate become appurtenant for irrigation and domestic purposes to described as follows, to-wit:

1/2 Section 11, Township 5 North, Range 19 E.B.M.

That said water is to be limited at any given time to an amount actually needed or beneficially used for such purposes, and shall not exceed the following amount, to-wit:

6.80 cubic feet per second of the water
of Little Lost River with the above described priorities.

That the water rights hereby transferred will be conducted to the last above described lands through private ditches and with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 16th day of November, A. D. 1961.

Mark N. Kulp
MARK N. KULP
State Reclamation Engineer

RECEIVED
NOV 21 1961
BOISE, IDAHO

65 inches or 1.30 c.f.s. with priority of April 1, 1883
34 inches or 1.38 c.f.s. with priority of June 1, 1885
13 inches or .36 c.f.s. with priority of April 1, 1888
34 inches or 1.38 c.f.s. with priority of April 1, 1893
8 inches or .18 c.f.s. with priority of April 1, 1889
106 inches or 2.10 c.f.s. with priority of June 1, 1891
11 inches or .48 c.f.s. with priority of May 25, 1891
Or a total of 340 inches or 6.80 c.f.s. to the following lands to-wit: N¹/₂ Section
10 and E¹/₂ N¹/₂ Section 9, Township 5 North, Range 23 East, B.M.

That said water is to be limited at any given time to an amount actually
needed and beneficially used for such purposes, and shall not exceed the following
amount, to-wit:

10.80 cubic feet per second of the
water of Little Lost River with the
above described priorities.

That the water rights hereby transferred will be conducted to the land
above described lands through private ditches and with no change in point of diver-
sion.

That the right to the use of the water aforesaid, hereby confirmed, is
restricted to the lands or place of use last above described, as provided by the
laws of the state of Idaho.

BEFORE ME, JUDGE, I have hereunto set my hand, and caused the official
seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed
at Boise, Idaho, this 10th day of November, A.D. 1931.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

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

33-B ✓
NUMBERED

THE PLAIN COUNTRY INVESTMENT)	
COMPANY, a corporation,	:	
)	
Plaintiff,	:	
)	
vs	:	<u>D E C R E E</u>
)	
ROBERT H. LAYS, et al.,	:	
)	
Defendants.	:	
.....)	

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I.

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

II.

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

1.

South half ($S\frac{1}{2}$) of Section Seven (7); South half ($S\frac{1}{2}$), and Northwest quarter ($NW\frac{1}{4}$) of Northwest quarter ($NW\frac{1}{4}$) of Section Seven (7); South half ($S\frac{1}{2}$) and South half of Northeast quarter ($SE\frac{1}{4}$) of Section Eight (8); all of Sections Sixteen (16), Seventeen (17), and Eighteen (18); South half ($S\frac{1}{2}$) of Section Fifteen (15); North half ($N\frac{1}{2}$), Southeast quarter ($SE\frac{1}{4}$) and North half of Southwest quarter ($SW\frac{1}{4}$) of Section Nineteen (19); all of Sections Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27) and Twenty-eight (28); North half ($N\frac{1}{2}$) of Northeast quarter ($NE\frac{1}{4}$); Northwest quarter of Southeast quarter ($NW\frac{1}{4}SE\frac{1}{4}$); North half ($N\frac{1}{2}$) and Southeast quarter of Southwest quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section Twenty-nine (29); Northeast quarter of the Northwest quarter ($NE\frac{1}{4}NW\frac{1}{4}$); North half of Northeast quarter ($N\frac{1}{2}NE\frac{1}{4}$), and Southeast quarter of Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}$) of Section Thirty-two (32); Northeast quarter ($NE\frac{1}{4}$) and North half of South half ($N\frac{1}{2}S\frac{1}{2}$) and Northeast quarter ($NE\frac{1}{4}$) of Section Thirty (30); North half ($N\frac{1}{2}$) and Southeast quarter ($SE\frac{1}{4}$) of Section Thirty-three (33); North half ($N\frac{1}{2}$); North half of South half ($N\frac{1}{2}S\frac{1}{2}$), and Southeast quarter of Southeast quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section Thirty-four (34); all of Sections thirty-five (35) and Thirty-six, in Township Six (6) North, Range Twenty-nine (29) East Boise B. & M.; Southwest quarter ($SW\frac{1}{4}$) Section Twenty (20) South half ($S\frac{1}{2}$) and South half of North half ($S\frac{1}{2}N\frac{1}{2}$) of Section Nineteen (19); all Sections Twenty-nine (29) and Thirty (30); North half of Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}$) of Section Thirty-one (31), and Northeast quarter ($NE\frac{1}{4}$) of Section Thirty-one (31) and East half of Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}$) of Section Thirty-one (31) in Township Six (6) North, Range Thirty (30) East Boise B. & M.

VII.

ROBERT G. MAYS and JUCY MAYS, husband and wife,
 JESSE MAYS and ANNA MAYS, husband and wife,

From Little Lost River:	160 inches, April 1, 1883;
	160 inches, June 1, 1885;
	30 inches, April 1, 1885;
	160 inches, April 1, 1886;
	20 inches, April 1, 1889;
	260 inches, June 1, 1891;
From Saw Mill Creek:	50 inches, May 25, 1891.

Points of diversion:

From Little Lost River:

From Saw Mill Creek: At the mouth of said stream.
 to be used upon and appurtenant to:

The Northwest quarter, the Northeast quarter, and Southwest quarter, Section 10; the Northwest quarter, the South half of the Northeast quarter and the North half of the Northeast quarter, Section 15; the West half of the Northwest quarter, Section 14; the East half of the East half, Section 9, and the East half of the Northwest quarter, Section 16, all in Township 5 North, Range 29 East of the Boise Meridian.

VIII.

JENS E. HEDDE and MARY HEDDE, husband and wife:

From Little Lost River:	20 inches, April 1, 1889;
From Saw Mill Creek:	55 inches, May 25, 1891;
	95 inches, June 1, 1891;

Points of Diversion:

From Little Lost River:

See right No. 32-0020 →

superceded by
Blaine Co. 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. 154, AUTHORIZING TRANSFER OF WATER RIGHTS.

Permission is hereby granted Jennie L. Jones of Howe, county of Jefferson, State of Idaho, to transfer the use of One Hundred (100) inches of the waters of Little Lost River, county of Jefferson, State of Idaho from the lands for which it was originally decreed, i. e., East Half ($E\frac{1}{2}$) of the East Half ($E\frac{1}{2}$) of Section 9, and the West Half ($W\frac{1}{2}$) of Section 10, and the North East ($NE\frac{1}{4}$) Quarter of Section 10, Township 5 North, Range 29 East, Boise Meridian, to the following described tract to wit; North One Half ($N\frac{1}{2}$) of Section 15 and the West One Half ($W\frac{1}{2}$) of the North West ($NW\frac{1}{4}$) Quarter of Section 14, Township 5 North, Range 29 East, Boise Meridian.

The water appurtenant to the above described land was adjudged by decree, dated March 12, 1891, of D. W. Standard, Judge of the Fifth Judicial District, of the State of Idaho, in and for the county of Bingham, in the case of Charles Bunting, et al, vs. Gus Carlson, et al, in the following words: (Among other things).

"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 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 time herein-after stated, to wit:-----
C. O. Sands, One Hundred and Sixty (160) inches from April 1st, 1886."

By conveyances One Hundred (100) inches as shown by said decree was conveyed to Jennie L. Jones.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Boise, Idaho, this 30th day of June, A. D., 1915.

J. H. SMITH,

State Engineer.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF TEXAS,
IN AND FOR ~~WICHITA~~ COUNTY. ~~Wichita~~

X X X X X X X X X X X X X X X X
Wm. H. Baker, et al.,
vs.
Geo. Goodwin, et al.,
X X X X X X X X X X X X X X X X

D. W. O. R. H.

This cause having been heard and 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 about 1/2 of the Little Lost River, the amount of water here is distributed and that their claim shall date from the times herein after stated, to-wit:

C. F. Smith, Jr.,	100 "	June 10", 1878.
E. R. Baker,	50 "	September 1", 1879.
C. O. Smith,	100 "	April 1", 1880.
Geo. Baker,	100 "	April 1", 1881.
Peter Baker,	100 "	April 1", 1882.
A. R. Davis,	400 "	September 1", 1878.
Geo. O. Smith,	50 "	July 15", 1884.
John Baker,	100 "	March 20", 1885.
E. Baker,	100 "	April 1", 1886.
F. Baker,	50 "	April 1", 1886.
H. Baker,	50 "	April 1", 1886.
A. B. A. O. R. W. L. Baker,	50 "	April 1", 1886.
John T. A. B. Williams,	10 "	April 1", 1887.
J. T. Baker,	50 "	March 20", 1885.
John Baker,	50 "	April 1", 1886.
E. A. Baker,	100 "	April 1", 1886.
A. A. Baker,	50 "	April 1", 1886.
Harvey,	50 "	April 1", 1886.
W. C. Baker,	10 "	April 1", 1889.
F. R. Baker,	50 "	April 1", 1886.

The following distribution is in point of time is first in point of

RECORDED

...of equal right, it is
further adjudged and decreed that if on account of inefficiency of water to sup-
ply all the water the entire value is directed to and used in these appro-
priations, the first in point of time.

It is further adjudged and decreed that all water diverted from said
river for irrigation shall be diverted through a box or flume to be constru-
cted at a point to be determined by measurement of the depth and fall of said
stream at said point of said Little Lost River.

That the water for the irrigation of lands of water shall be
returned to the natural channel of said Little Lost River and no diver-
sion therefrom be made.

It is further adjudged and decreed that the costs in this action
shall be paid by the parties to whom rights are de-
creed hereinafter. It is further adjudged and decreed that Geo. Coulson, E.
Boyes, Taylor Pugh, J. V. Kelly, Walter Hawley and Wm. Bartell, be
and they are enjoined from diverting or using in
any manner any part of the water of Little Lost River, for irrigating
purposes, other than domestic purposes.

Done by the Court this March 17th, 1891.

H. W. Stanford, Judge.

June 20th, 1891.

It is further adjudged and decreed that in error in the
foregoing judgment be amended, and that the claim of Geo. McBurnitt
on the record at herein be admitted from said judgment.

It is further adjudged and decreed that Geo. McBurnitt
be entitled to the amount of the said claim of water on the said amount in
the said claim, said claim to date from Jan. 1st 1885.

H. W. Stanford, Judge.

That the said claim judgment Book 1, Page, of the records of Bingham
County, Idaho.

Book 1, Page of Judgments, page 10, Fremont Co. Idaho.

IN THE STATE ENGINEER'S OFFICE OF THE STATE OF IDAHO.

Blaine County Irrigation Company,
a corporation,)

Protestants.)

vs.)

D E C I S I O N.

Jennie L. Jones,)

Applicant.)

In this matter it appearing that Jennie L. Jones has made application for the transfer of One Hundred (100) inches of the waters of Little Lost River, county of Jefferson, State of Idaho, decreed to C. O. Sands, in the case of Charles Bunting et al, vs. Gus Coulson et al, for the irrigation of the East Half ($E\frac{1}{2}$) of the East Half ($E\frac{1}{2}$) of Section 9, and the West Half ($W\frac{1}{2}$) of Section 10, and the North East ($NE\frac{1}{4}$) Quarter of Section 10, Township 5 North, Range 29 East, Boise Meridian, to be used upon the following tract lying and being in the county of Jefferson, State of Idaho, to wit: North One Half ($N\frac{1}{2}$) of Section 15 and the West Half ($W\frac{1}{2}$) of the North West ($NW\frac{1}{4}$) Quarter of Section 14, Township 5 North, Range 29 East, B. M., which application for transfer together with abstract of title was duly filed in the office of the State Engineer of the State of Idaho, where upon notice was duly given of such application and the matter duly submitted to the State Engineer of the State of Idaho and it further appearing that the Blaine County Irrigation Company, a corporation filed protest against said application to which protest demurrer and answer was filed and the matters pertaining thereto being submitted to the State Engineer for his decision.

And the State Engineer not passing upon the demurrer filed, but considering alone the protest and answer and evidence submitted therewith and it appearing to the State Engineer after examination of the proofs introduced that no one will be injured by the transfer.

It is ordered that a certificate of transfer be issued herein in accordance with said application on file herein.

WHEREFORE, by reason of the statute in such case made and provided it is ordered and adjudged that a certificate authorizing such transfer as prayed for be issued.

Dated this 26th day of July 1915.

J. H. Smith
State Engineer.
By Fred A. Wilkie
Deputy

September 7, 1915.

Re abstracts.

Clark & Brodhead, Attorneys,
Mackay, Idaho.

Gentlemen:--

Am herewith returning you abstracts used in
the transfers of Jennie L. Jones.

Very truly yours,

J. H. SMITH,

State Engineer.

2Abs.

By _____

RECORDED

Clark & Brodhead
ATTORNEYS AT LAW
MACKAY, IDAHO

September 4, 1915

Hon. J. H. Smith

State Engineer

Boise, Idaho

Dear Sir:

In regard to the certificate of transfer No. 154, 155 and 156, there was some abstracts that were quite expensive furnished to your office. Will you hold them or return them after the hearing? If we could have these abstracts returned it would save considerable expense in getting new abstracts.

Yours truly,

CLARK AND BRODHEAD

By *Chase A. Clark*

CAC/RMD

RECEIVED
1915

August 10, 1915.

Re Transfer of Water Rights.-

Messrs. Story & Steigmeyer,
Attorneys at Law,
Boston Building,
Salt Lake City, Utah.
Utah

Gentlemen:--

We are enclosing you herewith copies of
Decision in the matter of Blaine County Irrigation
Company, protestants, vs. Jennie L. Jones, applicant.
The Certificates were issued July 30th.

Very truly yours,

J. H. SMITH,

State Engineer.

3D

By _____

MICROFILMED

August 10, 1915.

Re Certificates of Transfer.

Chase A. Clark, Attorney,
Mackay, Idaho.

Sir:--

Am herewith enclosing you certificates for transfer
of water rights, favor of Jennie L. Jones. We have mailed
the attorneys for the protestant copies of the Decision.

Very truly yours,

J. H. SMITH,

State Engineer.

CT154-5-6

By_____

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Chase A. Clark
ATTORNEY AT LAW
MACKAY, IDAHO

June 4, 1915

Hon. J. H. Smith
State Engineer
Boise, Idaho

Dear Sir:

I am enclosing you the three opinions requested in the matter of the three different applications for transfer of Water rights of Jennis L. Jones, also certificate of transfer prepared for your signature.

Yours truly,

Chase A. Clark

CAC/RMD.

ENCs.

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Notice of Proposed Transfer of Water Right.

Notice is hereby given that Jennie L. Jones of Howe,
Idaho, has applied to the State Engineer of the State of Idaho for a certificate
authorizing him to transfer the use of 100 inches of the water of
Little Lost River,
from the land upon which it is now used, i. e. 3 $\frac{1}{4}$ of E $\frac{1}{2}$ of Sec. 9, and W $\frac{1}{4}$ of Sec. 10,
and NE $\frac{1}{4}$ of Sec. 10, T. 5 N., R. 29 E.B.M.,
to the following described tract: N $\frac{1}{2}$ of Sec. 15, and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 14,
T. 5 N., R. 29 E.B.M.

And that, on the 23rd day of February, A. D.
1915, at Arco, before T. C. Salt,
~~before the Water Commissioner at his office, 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 Roy L. Sutcliffe,
Watermaster of said stream.

Herbert King,
Acting State Engineer

Chase A. Clark
ATTORNEY AT LAW
MACKAY, IDAHO

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MAY 3 - 1915

OFFICE OF STATE ENGINEER

April 30, 1915

Hon. J. H. Smith

State Engineer

Boise, Idaho

Dear Sir:

In regards to the matter of Jennie L. Jones, since writing you today I find that I need the three applications for transfer in order to properly draw the decision for your office. If you will kindly send them to me I will immediately return them to you the papers ready for your signature.

Thanking you for your action in this matter,
I remain,

Yours truly,

Chase A. Clark

RMD.

RECORDED

CONTEST BEFORE T. C. SALT, ESQUIRE.

BLAINE COUNTY IRRIGATION COMPANY.
a corporation,

Protestant.

vs.

Jennie L. Jones,

Applicant.

AFFIDAVIT.

State of Idaho)

County of Blaine)

ss.

Roy L. Sutcliffe being first duly sworn says that he is the duly elected Water Master of Little Lost River and has been the Water Master of said stream for the past three years. That as such Water Master he has become acquainted with the Lands irrigated by the waters of Little Lost River and different decreed rights thereto.

That affiant is well acquainted with Jennie L. Jones who has made application for the transfer of 100 inches of the waters of Little Lost River decreed to C. O. Sands for the irrigation of the east half of the East half of Section 9 and the West half of Section 10 and N. E. Quarter of Section 10, township 5 North Range 29 East B. M. That the said 100 inches together with the other water decreed to said land is diverted from ~~the~~ Little Lost River as shown by the application of transfer thereof and has been delivered during the irrigation season during the times that this affiant has been water master together with the other waters decreed thereto for the proper irrigation of said land, and that the said land herein described is good tillible soil and is not high and rocky as alleged in the protest filed herein, and the entire amount of water so decreed is necessary for the irrigation thereof and has been delivered at the point of diversion shown by said application for transfer through the Jones ditch during the time that this affiant has been water master.

That if the change proposed by said Jennie L. Jones is granted the flow of Little Lost River will not be lessened as the point of diversion is not changed and will not deprive subsequent appropriators of any right whatsoever and the land to which said water is asked to be transferred needs said water for the successful irrigation of the crop.

Roy L. Sutcliffe

Subscribed and sworn to before me this 15th day of March, 1915.

T. C. Salt, Notary Public

CONTEST BEFORE T. C. SALT, ESQUIRE.

BLAINE COUNTY IRRIGATION COMPANY,
a corporation,

Protestant.

vs.

Jennie L. Jones,

Applicant.

DEMURRER.

Comes now the applicant herein Jennie L. Jones by her attorney Chase. A. Clark and demurrs to the protest of the Blaine County Irrigation Company against the transfer by her of ¹⁸⁰ ~~fourty~~ inches of the waters of Little Lost River and for grounds of demurrer alleges:

FIRST

That said protest does not state the facts sufficient to constitute a grounds of protest.

SECOND.

That the state Engineer of the State of Idaho has no statutory authority to question the decree of the Court on the mere conclusions set up in said protest and the facts alleged in second subdivision thereunder of said protests are mere conclusions and are immaterial in that they are res-judicata the decree of the Court establishing the facts therein sought to be controverted.

THIRD.

That the allegations contained in said protests are immaterial, in that the decree of the Court established conclusively the priority of appropriation and use and said protest attempts to attack a judgement of a Court of competent jurisdiction collaterally and the decree of the Court is conclusive as to the matters referred to therein.


FOURTH.

That said protest admits the facts alleged in said transfer that there is no change in the point of diversion, therefore no one could be injured.

RECORDED

Wherefore the said Jennie L. Jones applicant prays that the said protest herein be dismissed and that the certificate of transfer issue to her for the transfer of said waters in accordance with her petition heretofore filed herein.

Dated this fifteenth day of March, 1915.


Attorney for Jennie L. Jones
Residence and P. O. Address
Mackay, Idaho

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CONTEST BEFORE T. C. SALT, ESQUIRE.

BLAINE COUNTY IRRIGATION COMPANY,)
a corporation,)

Protestant)

vs.)

Jennie L. Jones)

Applicant.)

ANSWER.

Comes now the applicant herein Jennie L. Jones and not waving her demurrer heretofore filed herein but expressly relying thereon hereby answers the pretest of Blaine County Irrigation Company, a corporation, and for her answer admits, denies and alleges as follows:

FIRST.

That as to the allegations contained in paragraph first applicant has not sufficient information to answer the same and therefore upon information and belief denies said paragraph, and further alleges in that regard that when protestant filed said application for permit mentioned therein and my financial outlays for the diversion of water there under, that it done so with full knowledge of the fact that the decreementioned in said application for transfer for said Jennie L. Jones was a prior right to any rights that it might acquire in and to the waters of Little Lost River, and had been decreed by a Court of competent jurisdiction.

SECOND.

That as to the allegation contained in paragraph second applicant admits that W. H. Jones is the owner of the East Half of the East Half of Section 9 and the West half and North East Quarter Section 10 Township 5 North Range 9 East B. M. and that said 100 inches is a part of the water decreed to said land, but that all of the water decreed to said land is necessary for the irrigation thereof and so found to be by a competent tribunal and that any claims to the contrary are res adjudicata and alleges in that regard that applicant purchased 100 inches of the water so decreed and that said 100 inches and the use thereof is to be abandoned on the said described land and placed

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on the land mentioned in said transcribe, if said transfer is allowed without any change from the point of aversion of Little Lost River an applicant denies that a large part of said last described land as mentioned in said paragraph is high rocky or otherwise not acceptable to cultivation or any part thereof or at all, and denies that the maximum amount of water which the said W. H. Jones has ever been officially or that he can beneficially is not to exceed 380 inches but alleges in that regard that all of the water so decreed to said land is necessary for the proper irrigation thereof and has by decree of the Court been found to be necessary and that such claim on the part of the protestant is immaterial and res-judicata and denies peacefully each of the allegations of the said paragraph.

THIRD.

That as to the allegations contained in paragraph third of said pretest applicant denies that the change proposed by the applicant will lessen the flow in the waters of Little Lost River at protestants interest or make less water available for its use under the permits therein mentioned, but applicant alleged in that regard that there will be no change in the diversion from Little Lost River as the water will be diverted at the same point of diversion through which it has been diverted heretofore and in the same quantity under said decrees. That as to the allegation contained in subdivision "A" applicant alleges that while no person is entitled to waste water that the amount of water necessary for economical and beneficial irrigations of the lands to which said waters are now appurtenant has been found by a decree of a competent tribunal and denies that the effect of the proposed change will be to enlarge the use of the water by the applicant or to deprive any subsequent appropriators or the protestant of any surplus water.

That after the allegations contained in subdivision b. defendant denies that less water is required to irrigate any forty acres of the land to which said waters are now appurtenant that the lands which the applicant asks leave to transfer the use thereof, applicant further peacefully denies each and every allegation of subdivision C and D and denies that any invested property rights of the protestant or

RECORDED

any other person whatsoever if the certificate authorizing such transfer be issued.

2
Attorney for Jennie L. Jones

State of Idaho }
County of Custer } ss.

Chase A. Clark being first duly sworn says that he is Attorney for Jennie L. Jones and as such attorney has made personal investigation of the lands hereintofore described and all matters pertaining to said application for transfer of water right. That Jennie L. Jones is now absent from the State of Idaho and that this affiant has alleged before going answer and that the same is true except as to those matters stated therein on information and belief and as to those matters he believes them to be true.

Chase A. Clark

Subscribed and sworn to before me this 15th day of March 1915.

Gorge L. Ambrose
Notary Public.

MICROFILMED

applicant may be entitled by decree or otherwise.

BLAINE COUNTY IRRIGATION COMPANY, LIMITED.

by

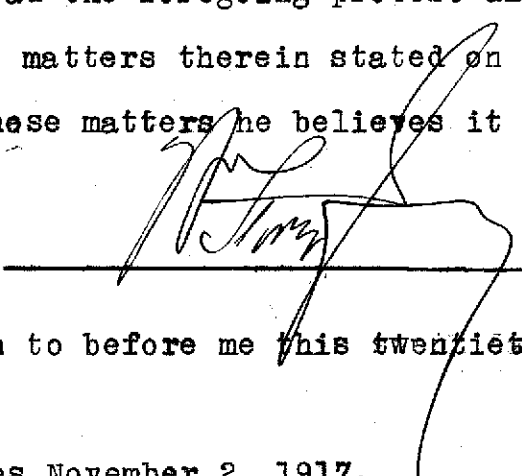

its Attorneys.

STATE OF UTAH, :

ss.

COUNTY OF SALT LAKE ,:

William Story, Jr., being duly sworn says that he is one of the attorneys for the Blaine County Irrigation Company, Limited, and also of J. S. Parks the Receiver of said Company, who is charged with the protection of all the rights and franchises, including water rights, of the said Blaine County Irrigation Company, Limited; that he has read the foregoing protest and that the same is true except as to matters therein stated on information and belief, and as to these matters he believes it to be true.


Subscribed and sworn to before me this twentieth day of February, A.D. 1915.

My commission expires November 2, 1917.


Notary Public.

2

CONTEST BEFORE T.C. SALT, ESQUIRE.

BLAINE COUNTY IRRIGATION COMPANY,
a corporation,
Protestant.

vs.

PROTEST.

JENNIE L. JONES,
Applicant.

Comes now the above named protestant and protests against issuance by the State Engineer of the State of Idaho of certificate authorizing transfer of the use of 100 inches of the waters of Little Lost River by said applicant from the east half of the east half of Section 9, and the west half of Section 10, and the northeast quarter of Section 10, Township 5 North, Range 29 E.B. M. , to the following described tract; the north half of Section 15, and the west half of the northwest quarter of Section 14, Township 5 North, Range 29 E.B.M., and as grounds for such protest states:

First: That the protestant is the owner of Permit No. 1119 for 12 second feet and Permit No. 3399 for 200 second feet of the waters of Little Lost River for irrigation uses, and has heretofore made large financial outlays for the diversion of all said waters and will, within the time allowed to it by law, make beneficial use of the whole of said waters for the irrigation of the lands described in said Permits, or so much thereof as may eventually be determined is necessary for use upon said lands by some court of competent jurisdiction; that during much of the irrigation season the flow of Little Lost River at protestant's intakes is less than the total amount of the waters appropriated

by this protestant under the Permits above mentioned, and that the expenditures made by the protestant were made in good faith and with knowledge of the physical facts then obtaining under then existing diversions from the said Little Lost River.

Second: That as protestant is informed and believes, one W. H. Jones is the owner of said east half of the east half of Section 9, the west half and northeast quarter of Section 10, Township 5 North, Range 9 E.B.M., and also of a decreed right, appurtenant to said lands, to use six hundred forty inches of Little Lost River for the irrigation thereof, of which said water right, the one hundred inches, the place of use of which the applicant is seeking to change, is a part; that a large part of said last described lands is high, rocky and otherwise not susceptible to cultivation and have never been and are not now being cultivated; that the maximum amount of water which the said W. H. Jones has ever beneficially or can beneficially use on his said lands does not exceed three hundred eighty inches and that the said Jones and his grantees are restricted by said decree, as well as by the laws of Idaho, to the use of only so much of said waters as are necessary for the economical and beneficial irrigation of the lands actually cultivated by him, not exceeding in any event one inch of water for each acre of land in cultivation; that the one hundred inches of water, the place of use of which the applicant is now seeking to change, although appurtenant to said lands, have never been and cannot be beneficially used on said last described lands by the said W. H. Jones or at all and that for this reason and with the intention of enlarging the use of said described water right, the said W. H. Jones has transferred the said one hundred inches of water to the applicant for use upon the north half of Section 15, and the west half of the northwest quarter of Section 14, Township 5 North, Range 29 E.B.M. aforesaid.

Third: That the change proposed by the applicant, if allowed, will lessen the flow of water in said Little Lost River

at protestants intakes and available for its use under the Permits above mentioned in that,

(a) It is the duty of the said W.H. Jones, under the laws of Idaho, to allow so much of the waters so decreed to him as is not needed for the economical and beneficial irrigation of the lands to which the said waters are now appurtenant, to remain in the stream for the use of subsequent appropriators of water from said Little Lost River, including the protestant, and the effect of the proposed change, if allowed, will be to enlarge the use of the water by the applicant and to deprive such subsequent appropriators of the use of such surplus waters.

(b) That less water is required to irrigate any one hundred acres of the lands to which said waters are now appurtenant than the lands to which the applicant asks leave to transfer the use thereof.

(c) The topography and existing physical conditions are such that the return to Little Lost River of waters used on the lands to which the applicant's right is now appurtenant will be less than they will be if such waters are used upon and for the irrigation of the lands to which the applicant desires to transfer the same.

(d) That the applicant, with full knowledge that the said one hundred inches of water cannot be economically and beneficially used on the lands to which the same are now appurtenant, seeks, by the change of the place of use thereof, to enlarge the said water right by using the same upon other and different lands and to place herself in a position to contend hereafter that she has a prior and decreed right to said waters, supported by full beneficial use thereof.

To the end, therefore, that the vested property-rights of the protestant may not be interfered with to its injury, protestant prays that no certificate be issued authorizing transfer of the place of use of any of the waters, to the use of which

CONTEST BEFORE T.C. SALT, ESQUIRE.

BLAINE COUNTY IRRIGATION COMPANY,
a corporation,

Protestant,

vs.

JENNIE L. JONES,

Applicant.

PROTEST.

Comes now the above named protestant and protests against issuance by the State Engineer of the State of Idaho of certificate authorizing transfer of the use of 100 inches of the waters of Little Lost River by said applicant from the east half of the east half of Section 9, and the west half of Section 10, and the northeast quarter of Section 10, Township 5 North, Range 29 E.B. M., to the following described tract; the north half of Section 15, and the west half of the northwest quarter of Section 14, Township 5 North, Range 29 E.B.M., and as grounds for such protest states;

First; That the protestant is the owner of Permit No. 1119 for 12 second feet and Permit No. 3399 for 200 second feet of the waters of Little Lost River for irrigation uses, and has heretofore made large financial outlays for the diversion of all said waters and will, within the time allowed to it by law, make beneficial use of the whole of said waters for the irrigation of the lands described in said Permits, or so much thereof as may eventually be determined is necessary for use upon said lands by some court of competent jurisdiction; that during much of the irrigation season the flow of Little Lost River at protestant's intakes is less than the total amount of the waters appropriated

by this protestant under the Permits above mentioned, and that the expenditures made by the protestant were made in good faith and with knowledge of the physical facts then obtaining under then existing diversions from the said Little Lost River.

Second: That as protestant is informed and believes, one W. H. Jones is the owner of said east half of the east half of Section 9, the west half and northeast quarter of Section 10, Township 5 North, Range 9 E.B.M., and also of a decreed right, appurtenant to said lands, to use six hundred forty inches of Little Lost River for the irrigation thereof, of which said water right, the one hundred inches, the place of use of which the applicant is seeking to change, is a part; that a large part of said last described lands is high, rocky and otherwise not susceptible to cultivation and have never been and are not now being cultivated; that the maximum amount of water which the said W. H. Jones has ever beneficially or can beneficially use on his said lands does not exceed three hundred eighty inches and that the said Jones and his grantees are restricted by said decree, as well as by the laws of Idaho, to the use of only so much of said waters as are necessary for the economical and beneficial irrigation of the lands actually cultivated by him, not exceeding in any event one inch of water for each acre of land in cultivation; that the one hundred inches of water, the place of use of which the applicant is now seeking to change, although appurtenant to said lands, have never been and cannot be beneficially used on said last described lands by the said W. H. Jones or at all and that for this reason and with the intention of enlarging the use of said described water right, the said W. H. Jones has transferred the said one hundred inches of water to the applicant for use upon the north half of Section 15, and the west half of the northwest quarter of Section 14, Township 5 North, Range 20 E.B.M., aforesaid.

Third: That the change proposed by the applicant, if allowed, will lessen the flow of water in said Little Lost River

at protestants intakes and available for its use under the Permits above mentioned in that,

(a) It is the duty of the said W.H. Jones, under the laws of Idaho, to allow so much of the waters so decreed to him as is not needed for the economical and beneficial irrigation of the lands to which the said waters are now appurtenant, to remain in the stream for the use of subsequent appropriators of water from said Little Lost River, including the protestant, and the effect of the proposed change, if allowed, will be to enlarge the use of the water by the applicant and to deprive such subsequent appropriators of the use of such surplus waters.

(b) That less water is required to irrigate any one hundred acres of the lands to which said waters are now appurtenant than the lands to which the applicant asks leave to transfer the use thereof.

(c) The topography and existing physical conditions are such that the return to Little Lost River of waters used on the lands to which the applicant's right is now appurtenant will be less than they will be if such waters are used upon and for the irrigation of the lands to which the applicant desires to transfer the same.

(d) That the applicant, with full knowledge that the said one hundred inches of water cannot be economically and beneficially used on the lands to which the same are now appurtenant, seeks, by the change of the place of use thereof, to enlarge the said water right by using the same upon other and different lands and to place herself in a position to contend hereafter that she has a prior and decreed right to said waters, supported by full Beneficial use thereof.

To the end, therefore, that the vested property-rights of the protestant may not be interfered with to its injury, protestant prays that no certificate be issued authorizing transfer of the place of use of any of the waters, to the use of which

applicant may be entitled by decree or otherwise.

BLAINE COUNTY IRRIGATION COMPANY, LIMITED.

by _____
its attorneys.

STATE OF UTAH, :
COUNTY OF SALT LAKE, : ss.
:

William Story, Jr., being duly sworn says that he is one of the attorneys for the Blaine County Irrigation Company, Limited, and also of J. S. Parks the Receiver of said Company, who is charged with the protection of all the rights and franchises, including water rights, of the said Blaine County Irrigation Company, Limited; that he has read the foregoing protest and that the same is true except as to matters therein stated on information and belief, and as to these matters he believes it to be true.

Subscribed and sworn to before me this twentieth day of February, A.D. 1915.

My commission expires November 2, 1917.

Notary Public.

Affidavit of Publication

2

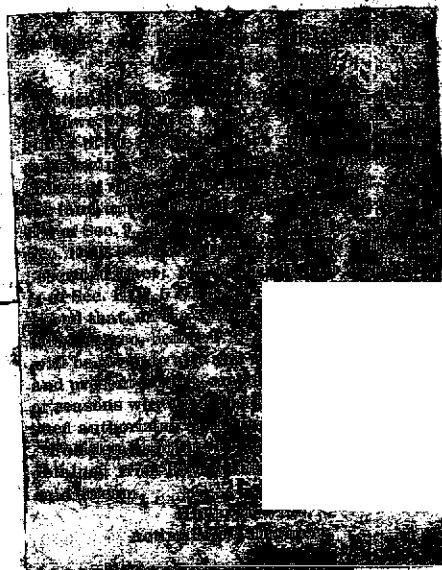
I, C. A. Bottolfsen, publisher of **THE ARCO ADVERTISER**, published weekly at Arco, Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for Five consecutive weeks, commencing with the issue dated Jan. 22, 1915, and ending with the issue dated Feb. 19, 1915.

C. A. Bottolfsen

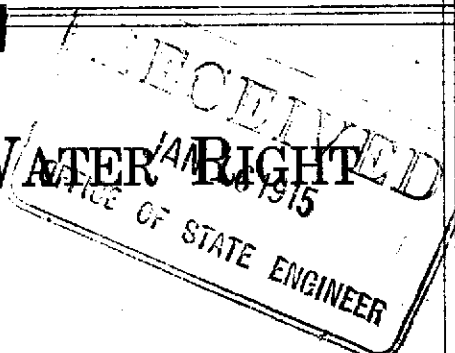
Subscribed and sworn to before me this 15th day of March, 1915.

J. C. Salt

Notary Public.



APPLICATION FOR TRANSFER OF WATER RIGHT



STATE OF ^{Utah} IDAHO,
County of Guster Salt Lake } ss.

Jennie L. Jones

being first duly sworn, deposes and says:

That ^{her} ~~his~~ name is Jennie L. Jones; that ~~she~~ ^{he} is of lawful age, a citizen of the United States and of the State of Idaho, and that ^{her} ~~his~~ postoffice address is Howe, Idaho.

That ~~she~~ ^{he} is the owner and using a certain water right of 100 inches of the waters of Little Lost River

County of Jefferson, State of Idaho, decreed to C. O. Sands by decree of Judge D. W. Standrod, of the

(then) 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 Caulson et al., said decree bearing date of Mar 12th, 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 Jefferson and State of Idaho, to-wit: E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Sec. 9 and the W $\frac{1}{2}$ of Sec. 10 and the NE $\frac{1}{4}$ of Sec 10, Tp. 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 east quarter corner of Sec. 32 Tp. 6 N. R. 29 E. B. M.

and conducted to the above described lands through the Jones Ditch

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

That affiant and petitioner desires to abandon the use of said 100 inches of said water upon the above described land and to convey and use the same upon the following tract, situate, lying and being in the County of Jefferson and State of Idaho, to wit: North one half (N $\frac{1}{2}$) of Section fifteen (15) and the West one half (W $\frac{1}{2}$) of the North West quarter (NW $\frac{1}{4}$) of Sec. fourteen (14) Tp. 5 N. R. 29 E. B. M.

That ~~his~~ ^{her} reasons for desiring to make such transfer are as follows: that she has purchased said water and the land to which it is being transferred needs the water in addition to what affiant now has.

That ~~he~~ intends to divert and convey said 100 inches of water to the tract of land last above described in the following manner, to-wit: through the Jones ditch, same point of diversion.

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 this 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 14 day of December
A. D. 1914

x Jamies L. Jones

W. M. Woolley
Notary Public

STATE OF IDAHO,

County of Jefferson

ss.

James D. Little and Eph Hansen

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

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

State of Idaho; that he has read or heard read the foregoing affidavit and petition of

Jamies L. Jones, 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

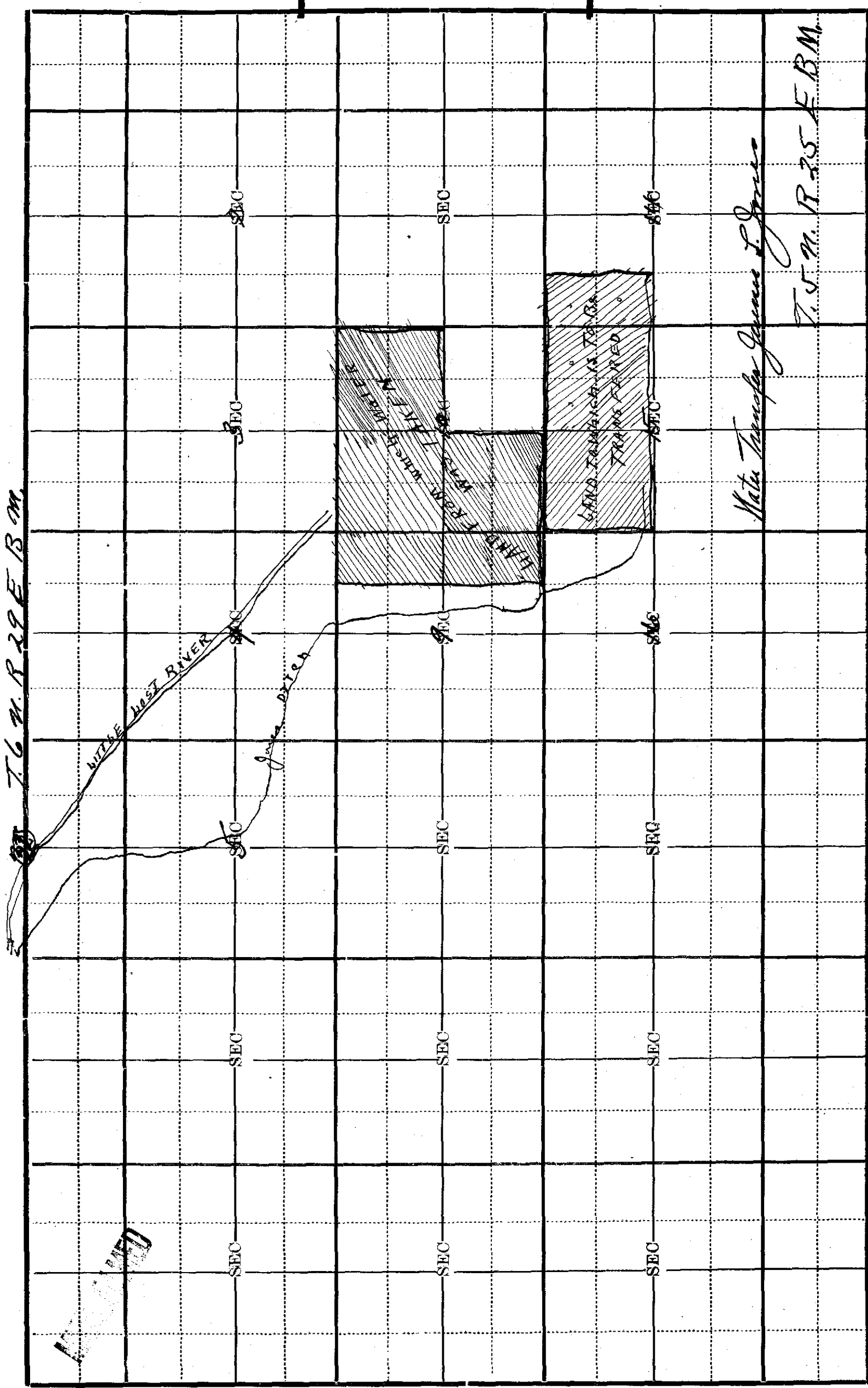
James D. Little
Eph Hansen

Subscribed and sworn to before me this 19th day of Dec

A. D. 1914

Jesse M. Smith N.P.
My Commission Expires July 14-1918

T. 6 N. R. 29 E. B. M.



Water Transfered from L. 29 E. B. M.
T. 6 N. R. 29 E. B. M.

32 T. 6 N. R. 29 E. BM

RECORDED

Little Lost River

Jones Ditch

Land From Which
Water Was
Taken

Land To Which Is To
Be Transferred

Water Transfer From S. Jones

T. 5 N. R. 29 E. BM

STATE OF IDAHO,

County of

Jefferson

ss.

I,

Roy L. Sutcliffe

, Watermaster of *Little Lost River District*

County of

Jefferson

, State of Idaho, whose postoffice address is

Howe

Idaho

, have read or heard read the foregoing affidavit and petition of

Jennie L. Jones

, 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:

as stated in petition

Roy L. Sutcliffe

Watermaster.

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

Jennie L. Jones

to apply to the State Engineer of the State of Idaho for a certificate

authorizing the transfer of water as set forth in his 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 *Arco, Idaho*, on *Feb. 23, 1915, and March 15, 1915*, according

to the terms of said notice:

And it not appearing at said hearing that any one 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 ap-

plicant, 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.

T. C. Salt

Commissioner of Water Division No.

By

APPROVED
MAY 1915

No. _____

APPLICATION FOR TRANSFER
OF WATER RIGHT

From _____

To _____

Stream _____

County _____

Applicant _____

Received _____

Approved _____

Certificate No. _____ issued _____

and recorded in _____

Book _____ of Transfers, at page _____

No 3 - "M.A. 100"