

Identification No. 7-111-57-2002

Transfer No. 1241

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and or the Place of Use

1. Name of Right Holder J. H. Mattleton APPROVED  
Post office address Marysville, Idaho

2. Right obtained by:

a. Decree to Richard & Joseph Bennett in Case of Matthew Joyce & Anna Joyce  
(Name)  
vs. Jacob Ruben et al, Dated March 20, 1912 in Third Judicial District  
(Name of Court)  
Court, County of Cwyhee

b. License No. \_\_\_\_\_ issued by the State of Idaho, Department of Reclamation.

3. Source of water Sinker Creek tributary to Snake River  
(Name of stream or source)

4. Date of Priority 1.44 c.f.s. 4/1/1881 & 1.76 c.f.s. 4/1/1881

5. Amount of water a. See 4 c.f.s. and/or

b. \_\_\_\_\_ acre feet/annum

6. Water is used for irrigation from January to October  
(Month, Day) (Month, Day)

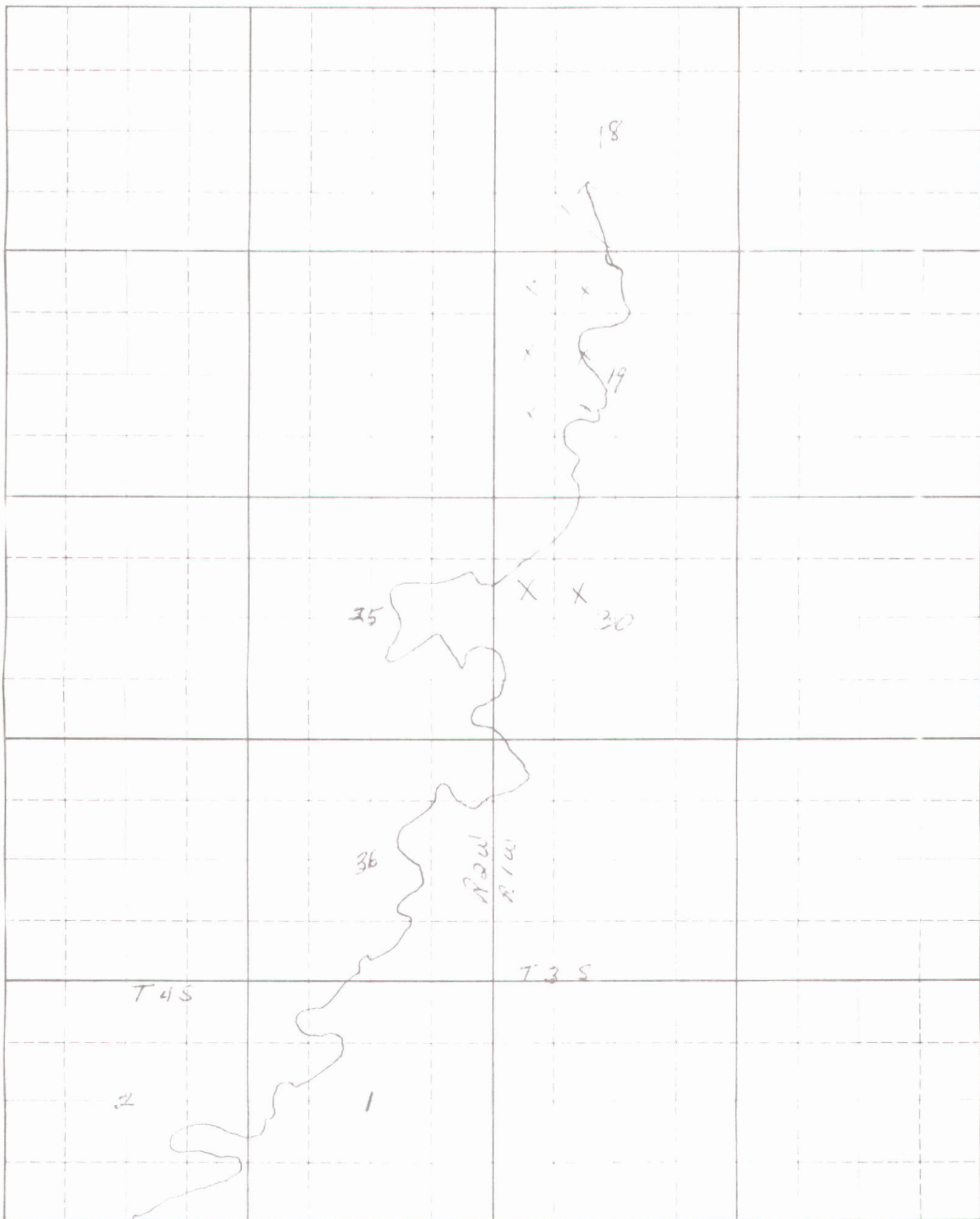
7. Original location of point of diversion is Sec. 21 NW 1/4 1400' 1/4 of Section 1400' from the  
quarter section corner section to Sec 21 NW 1/4 and 1/4  
Township 4 South, Range 2 West, B.M. in Cwyhee County;

Additional points of diversion, if any

8. Lands presently irrigated or place of use:

| TWP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | RANGE | SEC. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | TOTALS |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |        |
| The water rights described under 4. above together with other water rights were heretofore used on lands owned by Joyce Livestock Company in Murphy flat. Such lands were sold by Joyce Livestock Company and the water rights reserved and the rights described under 4. above were decreed by Joyce Livestock Company to J. H. Nettleton in March of 1907. The Joyce Livestock Company contract of sale of the lands in Murphy flat reserved both water rights and canal rights. The right to use the water described under 4. above was the line described in the original contract of sale dated the 17th day of June, 1907 in said contract. |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |

Total number of acres presently irrigated 8. 1750



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

Point of diversion on Sinker Creek. Water will be pumped  
 and the crop and sprinklers will be used for irrigating.

MICROFILMED

- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:  
Yes
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:  
None
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. H. Neelken  
(signature of applicant)

Subscribed and sworn to before me this 25th day of August, 1968.  
H. C. Allen  
(notary public)

My commission expires 2-1-70

**ACTION OF STATE RECLAMATION ENGINEER  
AND CERTIFICATE OF TRANSFER**

**APPROVED**

This is to certify that I have examined Application for Transfer of Water Rights No. 581,  
and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions: 1. The provisions of agreement between the applicant and protestants, withdrawing protest, dated March 3, 1968. 2. The agreement is not accepted as binding the Dept. of Reclamation to the distribution of the waters of Snake River in any manner contrary to Idaho law or the rules and regulations of the Department.

2. Denial of said application is for the following reasons:  
\_\_\_\_\_

Witness my hand this 27 day of August, 1969

R. Keith Higgins  
State Reclamation Engineer

RECEIVED  
AUG 28 1969

Identification No. 17-0-17-000-4

Transfer No. 4551

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and/or the Place of Use

APPROVED

1. Name of Right Holder J. H. Nettleton  
Post office address Murphy, Idaho

2. Right obtained by:  
a. Decree to Richard & Joseph Bennett in Case of Matthew Joyce & Anne Joyce  
(Name)  
Case # 4551 Dated March 20, 1912 in Third Judicial District  
(Name of Court)  
Court County Carleton

b. License No.          issued by the State of Idaho, Department of Reclamation.

Source of water 3 Mile Creek tributary to Snake River  
(Name of stream or source)

c. Date of Priority 1.44 c.f.s. 4/1/1891 & 1.76 c.f.s. 4/1/1892

d. Amount of water a. See # c.f.s. and/or  
b.          acre feet/annum

e. Water is used for irrigation from January to January  
(Month, Day) (Month, Day)

f. Original location or point of diversion is Sec. 26 NW 1400 at 1/4 of Section from the  
quarter section corner common to Sections 2 and 11  
Township 6 South, Range 2 West, B.M. in Owyhee County;

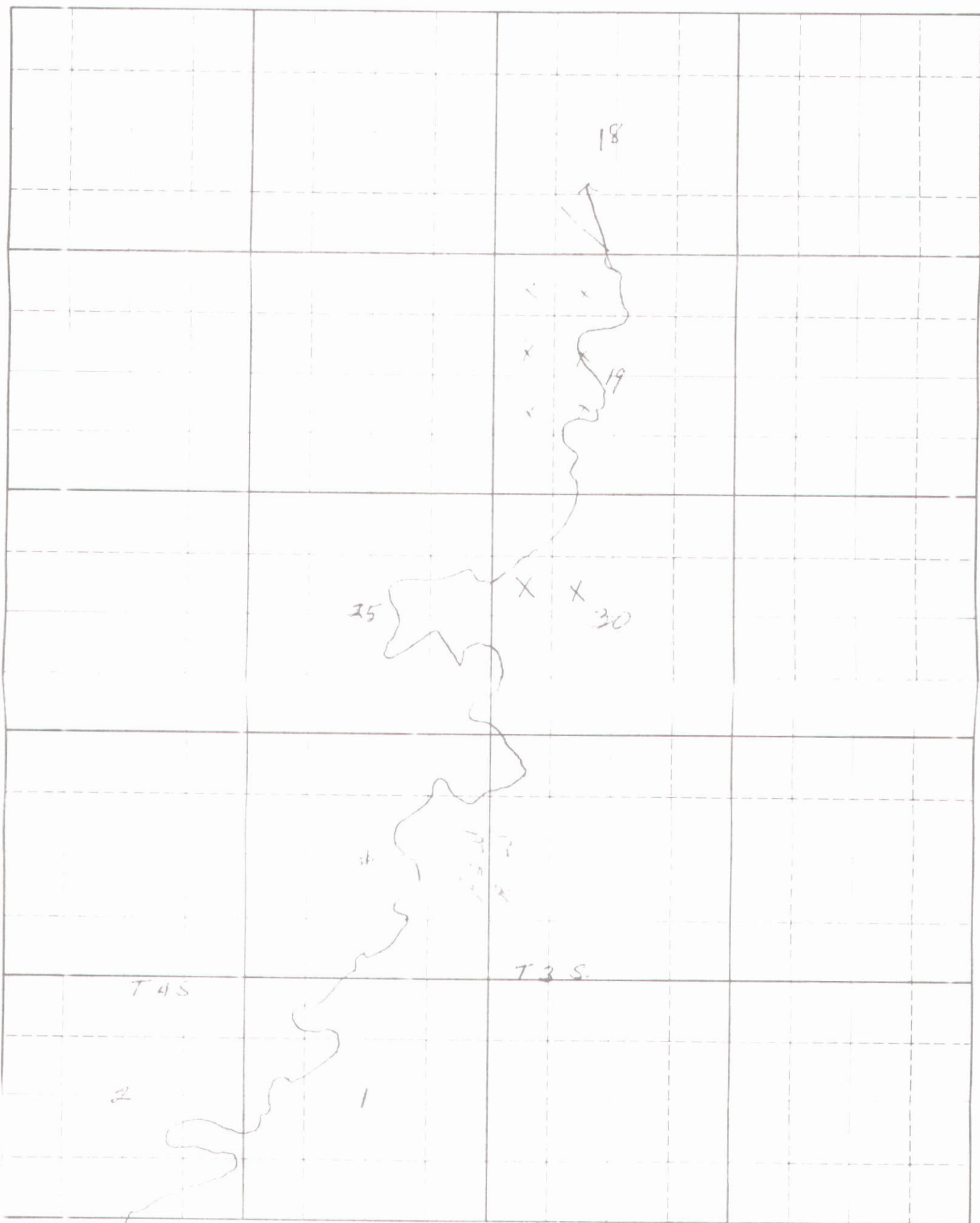
Additional points of diversion, if any  
          
          
        

g. Lands presently irrigated or place of use:

| TWP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | RANGE | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| The water right described above is, along with other water rights were heretofore owned by the Joyce Livestock Company on Murphy lat. Such water right was reserved by the Joyce Livestock Company and the water rights reserved and the rights described under 4. above were deeded by Joyce Livestock Company to J. H. Nettleton in March of 1967. The Joyce Livestock Company contract for said land on Murphy lat reserved both water rights and said water right. No water right described in this application was reserved by said right in 1967 dated |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| by J. H. Nettleton                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres presently irrigated          ac. 1750

RECORDED



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

1. The river is a tributary of the main river. Water will be stopped  
 2. The river is a tributary of the main river. Water will be stopped

MICROFILMED

b. Do you intend to make the transfer permanent? yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:  
Yes

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: none

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. H. Nettleton  
(signature of applicant)

Subscribed and sworn to before me this 27th day of August, 1968.  
J. C. Allen  
(notary public)

My commission expires September 22, 1970

**ACTION OF STATE RECLAMATION ENGINEER  
AND CERTIFICATE OF TRANSFER**

**APPROVED**

This is to certify that I have examined Application for Transfer of Water Rights No. 1581,  
and said application is hereby APPROVED.

Approval of said application is subject to the following limitations and conditions: 1. The provisions of agreement between the applicant and protestants, withdrawing protest, dated March 3, 1961. 2. The agreement is not accepted as binding the Dept. of Reclamation to the distribution of the waters of Snake Creek in any manner contrary to Idaho law or the rules and regulations of this department.

2. Denial of said application is for the following reasons:

Witness my hand this 27 day of March, 1969.

R. Keith Higgins  
State Reclamation Engineer

**UNRECORDED**

57-D

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE.

Matthew Joyce and Anna Joyce,

Plaintiffs,

vs.

D E C R E E.

Jacob Rubin, Richard Bennett,  
G. F. Lambert, Charles Harder,  
and The Murphy Land and  
Irrigation Company, Limited, a  
corporation,

Defendant. )

This cause came regularly on for hearing and decision before the above entitled court, (Hon. Alfred Budge, Judge of the Fifth Judicial District of the State of Idaho, who at the request, duly made, of the Judge of the above entitled district was holding court herein, presiding); Messrs. Richards & Haga appearing for the said defendants and cross-complainants, Richard Bennett and Joseph Bennett, Messrs. Jackson & Walters appearing for the defendant and cross-complainant Ella C. Harder, administratrix of the estate of Charles Harder, deceased, (substituted for Charles Harder), Messrs. C. B. Polk and S. E. Blaine appearing for the defendant and cross-complainant Murphy Land and Irrigation Company, Limited, a corporation, Messrs. John J. McCue, D. D. Williams and Lerky & Crow appearing for the plaintiffs.

It appearing that summons on the complaint in the above entitled action was regularly made and issued and, together with a copy of the complaint, was duly served upon the said defendants and on November 14th, 1910, personally served upon the said defendants Jacob Rubin and G. F. Lambert, and the said Jacob Rubin and G. F. Lambert having failed to appear and answer or demur within the time allowed by law, or

RECEIVED

57-0001  
Sinker Creek and to use the same upon the cultivated area of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , and the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec. 22, and the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Sec. 23, and the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 14, and the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec. 15, and the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 15, Twp. 3 S. Range 1 W. E. M., in the following amounts and from the following dates: 8.0 57 0001

cubic feet of water per second from April 1st, 1881, and

57-0002  
1.76 cubic feet of water per second from April 1st, 1892. 57 0002

No. 4. That the defendant and cross-complainant Murphy Land and Irrigation Company, Limited, a corporation, be, and it is, hereby awarded the right to divert and use the waters of Sinker Creek as follows:

20 inches of water per second measured under a four inch pressure, or .4 cubic feet per second, for irrigating the 20 acres of land now irrigated and cultivated in the NW $\frac{1}{4}$  of Sec. 11, Twp. 4 S. Range 2 W. E. M., dating from April 1st, 1865.

57 0123  
60 inches of water per second measured under a four inch pressure, or 1.2 cubic feet per second, for irrigating the 60 acres of land now irrigated and cultivated in the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , and the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec. 10, and the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 11, all in Twp. 4 S. Range 2 W. E. M., dating from April 1st, 1865.

57 0115  
400 second feet of the waters of Sinker Creek, dating from December 26th, 1906, to be applied for beneficial use upon the following described land:

Sections numbered 2, 3, 4, 5, 6, 8, 9, 10, 11 and 17, and the NE $\frac{1}{4}$  of Sec. 7, NE $\frac{1}{4}$  of Sec. 15, NE $\frac{1}{4}$  of Sec. 16, all in Twp. 3 S., Range 1 W. E. M. containing 7314.43 acres. Also sections 19, 20, 21, 22, 23, 25, 26, 27, 34, 35, and the NE $\frac{1}{4}$ , and the NE $\frac{1}{4}$  and the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec.

| TRANSFER NO. | NAME                      | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO.         |
|--------------|---------------------------|------------------|-------------------|----------------------|
|              | Bennett, Richard & Joseph | 1.76<br>0        |                   | 57-0002              |
| 816          | Joyce Livestock Company   | (1.76)           | 0                 | 57-0002A             |
| 1581         | Nettleton, J. H.          | 1.76             |                   | <del>57-0002AA</del> |

TRANSFER

38

Identification No. \_\_\_\_\_

Transfer No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and or the Place of Use

APPROVED

1. Name of Right Holder J. H. Nettleton  
Post office address North Star, Idaho

2. Right obtained by:

a. Decree to Richard & Joseph Bennett in Case of Matthew Joyce & Anna Joyce  
(Name)  
vs. Jacob Ruben et al Dated March 20, 1912 in Third Judicial District  
(Name of Court)  
Court, County of Owyhee

b. License No. \_\_\_\_\_ issued by the State of Idaho, Department of Reclamation.

3. Source of water Sinker Creek tributary to Snake River  
(Name of stream or source)

4. Date of Priority 1.44 c.f.s. 4/1/1881 & 1.76 c.f.s. 4/1/1891

5. Amount of water a. Sec 4 c.f.s. and/or  
b. \_\_\_\_\_ acre feet/annum

6. Water is used for Irrigation from January to January  
(Month, Day) (Month, Day)

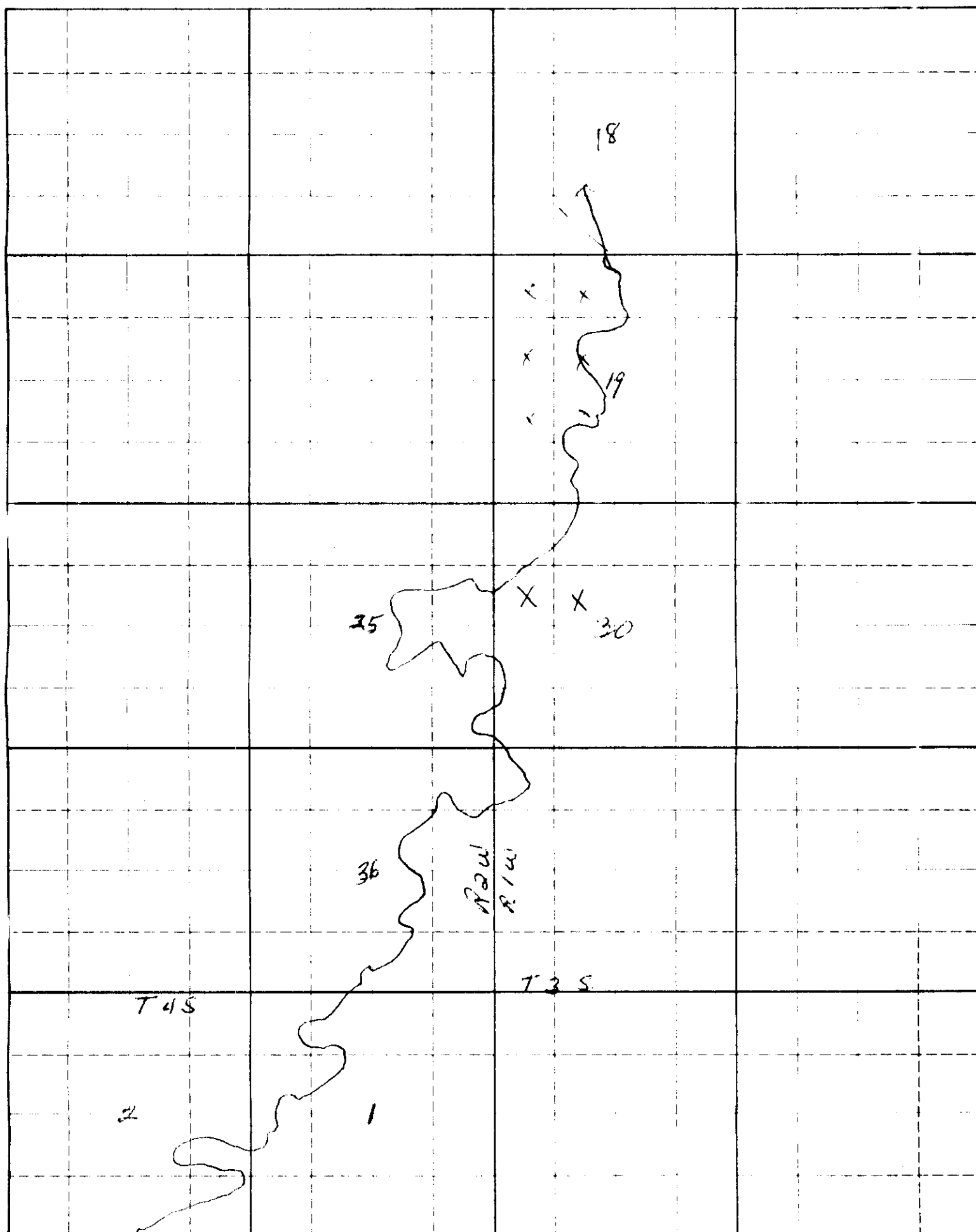
7. Original location of point of diversion is Sec. 28 NW 1400 ft 1/4 of Section  
quarter section corner common to Section 2 and 3  
Township 4 South, Range 2 West, B.M. in Owyhee County;

Additional points of diversion, if any

8. Lands presently irrigated or place of use:

| TWP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | RANGE | SEC. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTALS |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |      | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
| The water rights described under 4. above together with other water rights were heretofore used on lands owned by Joyce Livestock Company on Murphy flat. Such lands were sold by Joyce Livestock Company and the water rights reserved and the rights described under 4. above were deeded by Joyce Livestock Company to C. H. Nettleton in March of 1907. The Joyce Livestock Company contract of sale of the lands on Murphy flat reserved both water rights and canal rights. The right to use the water rights described under 4. above on the lands on Murphy flat is evidenced by a deed dated the 17th day of June, 1907 is evidenced. |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |

Total number of acres presently irrigated 1750



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

Point of diversion on Sinker Creek. Water will be pumped  
 over the canal and sprinklers will be used for irrigating.

... ..

## 10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: \_\_\_\_\_ c.f.s. and/or \_\_\_\_\_ acre feet
- b. New point of diversion: \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, B.M. \_\_\_\_\_
- c. Description of method of diversion and conveyance from new points of diversion \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- d. Is water to be conveyed to the lands previously irrigated? Yes \_\_\_\_\_ No \_\_\_\_\_  
If not, the place of use should be changed below \_\_\_\_\_
- e. Describe the reasons for applying for a change in the point of diversion \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- f. Do you intend to make the transfer permanent? \_\_\_\_\_
- g. Do you intend to abandon completely the old point of diversion? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

## 11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

[illegible]

Total number of acres to be irrigated 238

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

H. H. Rottelmaier  
(signature of applicant)

Subscribed and sworn to before me this 27th day of August, 1968.

H. C. Allen  
(notary public)

My commission expires August 1, 1970

**ACTION OF STATE RECLAMATION ENGINEER  
AND CERTIFICATE OF TRANSFER**

**APPROVED**

This is to certify that I have examined Application for Transfer of Water Rights No. 1581,  
and said application is hereby APPROVED.

Approval of said application is subject to the following limitations and conditions: 1. The provisions of agreement between the applicant and protestants, withdrawing protest, dated March 3, 1962. 2. The agreement is not accepted as binding the Dept. of Reclamation to the distribution of the waters of Sinker Creek in any manner contrary to Idaho law or the rules and regulations of the Department.

2. Denial of said application is for the following reasons:

Witness my hand this 31st day of March, 1969

R. Keith Higgins  
State Reclamation Engineer

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE.

Matthew Joyce and Anna Joyce,

Plaintiffs,

vs.

Jacob Rubin, Richard Bennett,  
G. F. Lambert, Charles Harder,  
and The Murphy Land and  
Irrigation Company, Limited, a  
corporation,

Defendant.

DECREE.

Trans. # 1581  
57-0001 + 57-0002

Trans. material

This cause came regularly on for hearing and decision before the above entitled court, (Hon. Alfred Budge, Judge of the Fifth Judicial District of the State of Idaho, who at the request, duly made, of the Judge of the above entitled district was holding court herein, presiding); Messrs. Richards & Haga appearing for the said defendants and cross-complainants, Richard Bennett and Joseph Bennett, Messrs. Jackson & Walters, appearing for the defendant and cross-complainant Ella C. Harder, administratrix of the estate of Charles Harder, deceased, (substituted for Charles Harder), Messrs. C. S. Polk and S. E. Blaine appearing for the defendant and cross-complainant Murphy Land and Irrigation Company, Limited, a corporation, Messrs. John J. McCue, D. D. Williams and Kerky & Crow appearing for the plaintiffs.

It appearing that summons on the complaint in the above entitled action was regularly made and issued and, together with a copy of the complaint, was duly served upon the said defendants and on November 14th, 1910, personally served upon the said defendants Jacob Rubin and G. F. Lambert, and the said Jacob Rubin and G. F. Lambert having failed to appear and answer or demur within the time allowed by law, or

at all, the default of said Jacob Rubin and Q. F. Lambert was by order of the Court duly made and entered by the Clerk on May 26, 1911; and the remaining defendants appearing by their respective answers and cross-complaints through their said counsel.

J. S. St Clair, having been appointed referee, to hear testimony and to transmit the same to the Court without findings, and testimony having been taken by the said J. S. St Clair in accordance with the order of the Court and the stipulation of the parties and the same having been transmitted to the Court, thereafter on September 21st, 1911, the cause coming on for further hearing at Silver City, Owyhee County, aforesaid, it was stipulated by and between the parties in writing duly filed with the Clerk of the Court that such testimony as may be proper to be introduced either by the plaintiffs or the defendants, or any of them, should be taken before Honorable John F. MacLane, Judge of the above entitled court, at his chambers at Boise, Idaho, on the 17th day of October, 1911, said testimony to be transcribed by the court reporter and filed as of the September, 1911, term, and considered by the Court in rendering its final decision with the same force and effect as if said testimony had been taken before the said Court at Silver City, aforesaid; and that upon the testimony so taken and the testimony theretofore taken before J. S. St Clair, referee, the Court should render its decision and enter its judgment as of the September, 1911, term, in the said District Court at Silver City. And the said Court having made and entered its order pursuant to said stipulation providing for the taking of testimony before John F. MacLane and the rendering of the decision thereon, and further testimony and evidence pursuant to said stipulation and order having been taken at Boise, Idaho, and upon the

Sinker Creek and to use the same upon the cultivated area of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , and the N $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Sec. 22, and the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Sec. 23, and the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 14, and the S $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Sec. 15, and the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 15, Twp. 3 S. Range 1 W. B. M., in the following amounts and from the following dates: .80 57 0001 cubic feet of water per second from April 1st, 1881, and

→ 1.76 cubic feet of water per second from April 1st, 1892 57 0002

No. 4. That the defendant and cross-complainant Murphy Land and Irrigation Company, Limited, a corporation, be, and it is, hereby awarded the right to divert and use the waters of Sinker Creek as follows:

20 inches of water per second measured under a four inch pressure, or .4 cubic feet per second, for irrigating the 20 acres of land now irrigated and cultivated in the NW $\frac{1}{4}$  of Sec. 11, Twp. 4 S. Range 2 S. B. M., dating from April 1st, 1865.

60 inches of water per second measured under a four inch pressure, or 1.2 cubic feet per second, for irrigating the 60 acres of land now irrigated and cultivated in the S $\frac{1}{2}$  of the SE $\frac{1}{4}$ , and the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec. 10, and the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 11, all in Twp. 4 S. Range 2 W. B.M., dating from April 1st, 1865.

400 second feet of the waters of Sinker Creek, dating from December 26th, 1906, to be applied for beneficial use upon the following described land:

Sections numbered 2, 3, 4, 5, 6, 8, 9, 10, 11 and 17, and the N $\frac{1}{2}$  of Sec. 7, N $\frac{1}{2}$  of Sec. 15, N $\frac{1}{2}$  of Sec. 16, all in Twp. 3 S., Range 1 W. B. M. containing 7314.43 acres. Also sections 19, 20, 21, 22, 23, 25, 26, 27, 34, 35, and the SE $\frac{1}{4}$ , and the NW $\frac{1}{4}$  and the N $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Sec.

Identification No. 1750

Transfer No. 1331

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and/or the Place of Use

APPROVED

1. Name of Right Holder C. H. Nettleton  
Post office address Murphy, Idaho

2. Right obtained by:  
a. Decree to Edward & Joseph Bennett in Case of Matthew Joyce & Anna Joyce  
(Name)  
March 20, 1912 Dated March 20, 1912 in Third Judicial District  
(Name of Court)  
Court County of Owyhee

b. License No. 1750 issued by the State of Idaho, Department of Reclamation.  
Source of water Snake River tributary to Snake River  
(Name of stream or source)

c. Date of Priority 4/1/1892 & 1.76 c.f.s. 4/1/1892

d. Amount of water a. Sec. 4 c.f.s. and/or  
b. acre feet/annum

e. Water is used for irrigation from January to January  
(Month, Day) (Month, Day)

f. Original location of point of diversion is So. 21 1/4 NW 1400 ft 1/4 of Section 1 from the  
quarter section corner common to Sections 2 and 11  
Township 5 South Range 2 West, B.M., in Owyhee County;

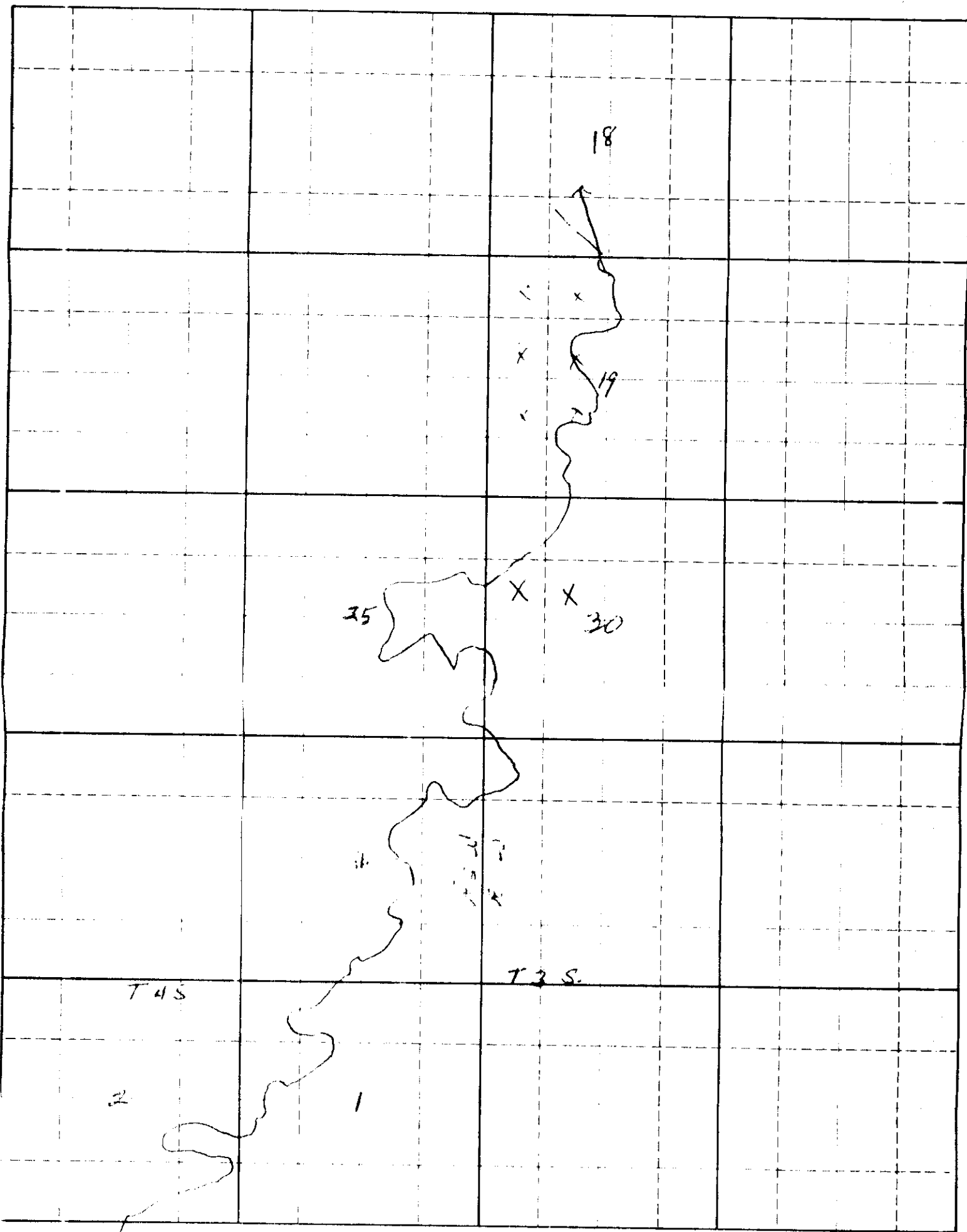
Additional points of diversion, if any

g. Lands presently irrigated or place of use:

| TWP | RANGE | SEC. | NE 1/4                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |       |      | NE 1/4                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|     |       |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      | The water right described under 4. above together with other water rights were heretofore owned by the Joyce Livestock Company on Murphy flat. Such water right was reserved by the Joyce Livestock Company and the water rights reserved and the rights described under 4. above were deeded by Joyce Livestock Company to C. H. Nettleton in March of 1967. The Joyce Livestock Company further deeded to Nettleton the land on Murphy flat reserved both water right and land. |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      | The water right described under 4. above together with other water rights were heretofore owned by the Joyce Livestock Company on Murphy flat. Such water right was reserved by the Joyce Livestock Company and the water rights reserved and the rights described under 4. above were deeded by Joyce Livestock Company to C. H. Nettleton in March of 1967. The Joyce Livestock Company further deeded to Nettleton Murphy flat reserved both water right and land.             |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres presently irrigated 1750





SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

1. The river is a branch of the main river. Water will be raised  
 2. The river is a branch of the main river. Water will be raised

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

W. Nettleton  
(signature of applicant)

Subscribed and sworn to before me this 27th day of August, 1968.

H. C. Veen  
(notary public)

My commission expires March 1, 1970

**ACTION OF STATE RECLAMATION ENGINEER  
AND CERTIFICATE OF TRANSFER**

**APPROVED**

This is to certify that I have examined Application for Transfer of Water Rights No. 1581,

and said application is hereby APPROVED.

Approval of said application is subject to the following limitations and conditions: 1. The provisions of agreement between the applicant and protestants, withdrawing protest, dated March 5, 1967. 2. The agreement is not accepted as binding the Dept. of Reclamation to the distribution of the waters of Snake Creek in any manner contrary to Idaho law or the rules and regulations of the department.

2. Denial of said application is for the following reasons:

Witness my hand this 27 day of March, 1969.

R. Keith Higgins  
State Reclamation Engineer

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

DEPARTMENT OF RECLAMATION

Certificate of Water Right  
Transferred Right No. 816

THIS IS TO CERTIFY THAT JOYCE LIVESTOCK COMPANY, a copartnership of Murphy, Idaho, is the owner of and using certain water rights of the waters of Sinker Creek in the amount of 1.44 cubic feet per second with priority of April 1, 1881 and 1.76 cubic feet per second with priority of April 1, 1892, decreed to Richard Bennett and Joseph Bennett by Judge Alfred Budge, of the District Court of the Third Judicial District of the State of Idaho in and for the County of Owyhee, in the case of

MATHEW JOYCE AND ANNA JOYCE,

Plaintiffs,

vs.

JACOB RUBIN, ET AL.,

Defendants,

said decree bearing date of March 20, 1912, and being appurtenant to the following described lands, to-wit:

NE $\frac{1}{4}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 22  
NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 23  
SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 14  
S $\frac{1}{2}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15  
All in Township 3 South, Range 1 West, B. M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, beginning at Page 960 thereof.

That said Joyce Livestock Company has become the owner of said water rights through mesne conveyances.

And that now, upon application of Joyce Livestock Company, of Murphy, Idaho, a copartnership, for the transfer of 1.44 cubic ~~feet~~ per second with April 1, 1881, priority and 1.76 cubic feet per second with April 1, 1892 priority, of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 3.20 cubic feet per second of the above described waters of Sinker Creek, upon the above described lands is hereby abandoned, and the lands to be irrigated under such right and to which the water rights hereby confirmed shall become appurtenant by this certificate, for irrigation and domestic purposes are described as follows to-wit:

E $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 5  
NE $\frac{1}{4}$ , W $\frac{1}{2}$ , Section 8  
E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 9  
All of Section 10  
NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 11  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 15  
S $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 20  
All in Township 3 South, Range 1 West B. M.

"2"

That the 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 3.20 cubic feet per second bearing dates of priority as follows:

1.44 cubic feet per second with priority of April 1, 1881  
1.76 cubic feet per second with priority of April 1, 1892

That the water rights hereby transferred have heretofore been conducted from Sinker Creek to the first above described lands with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 21  
NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 22  
All in Township 3 South, Range 1 West, B.M.

That the water rights hereby transferred will hereafter be conducted to the last above described lands with point of diversion located S $\frac{1}{2}$  28 $^{\circ}$  West 1400 feet from the quarter section corner common to Sections 2 and 11, Township 4 South, Range 2 West B. M.

That the rights 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 25th day of March, A. D., 1954.

s/ MARK R. KULP  
State Reclamation Engineer

(SEAL)

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

DEPARTMENT OF RECLAMATION

In the Matter of the Application of )  
JOYCE LIVESTOCK COMPANY, a Copartnership )  
of Murphy, Idaho ) ORDER GRANTING TRANSFER  
For a Transfer of Water Right, in Water ) No. 816  
District No. 24, Owyhee County, Idaho )

WHEREAS, On the 22nd day of January, 1954, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of JOYCE LIVESTOCK COMPANY, of Murphy, Idaho, for a transfer of water rights, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

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

WHEREAS, Ernesto Montini and Zaccaria Montini are the owners of certain lands on Sinker Creek and certain rights to the use of the waters of Sinker Creek for the irrigation thereof, the points of diversion of which waters are located downstream from the lands from which the water rights referred to in this certificate are now being transferred; and

WHEREAS, said Ernesto Montini and Zaccaria Montini, by the terms of an agreement in writing with Joyce Livestock Company, dated March 9, 1953, and recorded in Book 9 of 9 (Agreements?), Page 95, in the office of the County Recorder of Owyhee County, has consented to the transfer of the water rights covered by this certificate, and Joyce Livestock Company, on its part, agrees therein to provide at all times when the transferred water was being diverted at the new point of diversion, a minimum flow of 180 miners inches in Sinker Creek, measured at a certain weir on Sinker Creek heretofore installed and located in accordance with the terms of said agreement;

AND, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

AND, THEREFORE, the Water Master on Sinker Creek ( being the Water Master of District No. 24) is hereby directed and instructed at all times when any of said transferred water is being diverted at the new point of diversion as herein permitted, to so regulate the diversion from Sinker Creek of all and any waters to which Joyce Livestock Company or its successors, has the right of use as to provide a minimum flow of 180 inches measured at said weir, for the Montini lands.

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 25th day of March, A. D. 1954.

s/ MARK R. KULP  
State Reclamation Engineer

(seal)

57-D

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE.

Matthew Joyce and Anna Joyce,

Plaintiffs,

vs.

D E C R E E.

Jacob Rubin, Richard Bennett,  
W. F. Lambert, Charles Harder,  
and The Murphy Land and  
Irrigation Company, Limited, a  
corporation,

Defendant.

This cause came regularly on for hearing and decision before the above entitled court, (Hon. Alfred Budge, Judge of the Fifth Judicial District of the State of Idaho, who at the request, duly made, of the Judge of the above entitled district was holding court herein, presiding); Messrs. Richards & Hagg appearing for the said defendants and cross-complainants, Richard Bennett and Joseph Bennett, Messrs. Jackson & Walters appearing for the defendant and cross-complainant Ella C. Harder, Administratrix of the estate of Charles Harder, deceased, (substituted for Charles Harder), Messrs. C. B. Polk and J. E. Blaine appearing for the defendant and cross-complainant Murphy Land and Irrigation Company, Limited, a corporation, Messrs. John J. McCue, D. D. Williams and Lerky & Crow appearing for the plaintiffs.

It appearing that summons on the complaint in the above entitled action was regularly made and issued and, together with a copy of the complaint, was duly served upon the said defendants and on November 14th, 1910, personally served upon the said defendants Jacob Rubin and W. F. Lambert, and the said Jacob Rubin and W. F. Lambert having failed to appear and answer or demur within the time allowed by law, or

Sinker Creek and to use the same upon the cultivated area of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , and the E $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Sec. 22, and the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Sec. 23, and the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 14, and the S $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Sec. 15, and the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 15, Twp. 3 S. Range 1 W. 2. E., in the

following amounts and from the following dates: 8.0 cubic feet of water per second from April 1st, 1881, and

1.76 cubic feet of water per second from April 1st, 1892.

4. That the defendant and cross-complainant Murphy Land and Irrigation Company, Limited, a corporation, be, and it is, hereby awarded the right to divert and use the waters of Sinker Creek as follows:

20 inches of water per second measured under a four inch pressure, or .4 cubic feet per second, for irrigating the 20 acres of land now irrigated and cultivated in the NW $\frac{1}{4}$  of Sec. 11, Twp. 4 S. Range 1 W. 2. E., dating from April 1st, 1885.

30 inches of water per second measured under a four inch pressure, or 1.2 cubic feet per second, for irrigating the 60 acres of land now irrigated and cultivated in the S $\frac{1}{2}$  of the SE $\frac{1}{4}$ , and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec. 10, and the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 11, all in Twp. 4 S. Range 2 W. 2. E., dating from April 1st, 1885.

100 seconds foot of the waters of Sinker Creek, dating from December 25th, 1906, to be applied for beneficial use upon the following described land:

Sections numbered 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12, and the S $\frac{1}{2}$  of Sec. 7, S $\frac{1}{2}$  of Sec. 15, S $\frac{1}{2}$  of Sec. 16, all in Twp. 3 S., Range 1 W. 2. E. containing 7314.43

acres. Also sections 19, 20, 21, 22, 23, 25, 26, 27, 34, 35, and 36, and the S $\frac{1}{2}$  and the E $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Sec.

BEFORE THE RECLAMATION ENGINEER OF THE STATE OF IDAHO.

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|                                   |   |                 |
|-----------------------------------|---|-----------------|
| In the Matter of the Application  | ) |                 |
| of JOYCE LIVESTOCK COMPANY, a co- | ) | APPLICATION FOR |
| partnership, for Change of Place  | ) | <u>TRANSFER</u> |
| of Use and Point of Diversion of  | ) |                 |
| Water Right.                      | ) |                 |

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TO HOM. MARK KULP, RECLAMATION ENGINEER OF IDAHO:

Joyce Livestock Company, a copartnership consisting of H. E. Nettleton, of Murphy, Idaho, and Emmaline A. Nettleton, of Boise, Idaho, the address of such copartnership being Murphy, Idaho (said copartnership hereinafter being called "applicant"), hereby respectfully requests and petitions for change and transfer of point of diversion and place of use of certain decreed rights to the use of the waters of Sinker Creek, in Owyhee County, Idaho, and in support thereof states as follows:

1.

That in that certain water adjudication suit involving the waters of Sinker Creek, in Owyhee County, Idaho, entitled "Joyce et al. v. Rubin et al.", there was made and entered, on March 20, 1912, a decree of the District Court of the Third Judicial District of the State of Idaho in and for Owyhee County, awarding to the plaintiffs therein, Matthew Joyce and Anna Joyce, the following water rights in Sinker Creek:

A water right of 597.40 miners' inches, with priority of April 1, 1867, for the irrigation of the following described land:

1.

$N\frac{1}{2}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
Sec. 30, Twp. 3 S. R. 1, W.B.M.;

E $\frac{1}{2}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ ,  
Sec. 36, Twp. 3 S. R. 2, W.B.M.;  
Lot 2, Sec. 1, Twp. 4 S. R. 2, W.B.M.;  
E $\frac{1}{2}$  NW $\frac{1}{4}$ , and Lots 2 and 3,  
Sec. 31, Twp. 3 S. R. 1, W.B.M.

That in said water adjudication suit, by the terms of said decree, there was also awarded to Ella C. Harder, administratrix of the estate of Charles H. Harder, deceased, the following water rights in Sinker Creek:

62.5 miners' inches, with a priority of  
April 1, 1867;

118.60 miners' inches, with a priority of  
April 1, 1871;

said last mentioned water rights were allotted for the irrigation of the  $N\frac{1}{2}$  SW $\frac{1}{4}$ ; SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 1; the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 2;  $N\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 11; NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 12; all in Township 4 S. Range 2, W.B.M.

2.

That by successive mesne conveyances, the applicant above named, Joyce Livestock Company, a co-partnership, long ago became and now is the owner of the water rights decreed as aforesaid to Matthew Joyce and Anna Joyce, husband and wife, and also the lands above described, to which said water rights were decreed as appurtenant; and by successive mesne conveyances said applicant long ago became and now is the owner of the water rights aforesaid decreed to said Ella C. Harder, administratrix, and the lands above described, to which said water rights were decreed as appurtenant.

3.

That the points of diversion for the water rights aforesaid, decreed to Matthew Joyce and wife, have been for many years and now are at various points along Sinker Creek

in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , of Sec. 1, Twp. 4 S. R. 2, W.B.M., and at various points in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , of Sec. 31; and the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , of Sec. 30, Twp. 3 S. R. 2, W.B.M.; that the points of diversion for the water right allotted to said Ella C. Harder, administratrix, by the terms of said decree, for many years has been and now is at various points in Sec. 1, Twp. 4 South Range 2, W.B.M.

4.

That applicant is also the owner of the following lands in Twp. 3 South Range 1, W. B. M., to-wit:

|          |                                                                                                                                 |                       |
|----------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Sec. 3.  | E $\frac{1}{2}$ SE $\frac{1}{4}$ ;<br>E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ ;<br>SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; | comprising 160 acres; |
| Sec. 5.  | E $\frac{1}{2}$ SW $\frac{1}{4}$ ;                                                                                              | comprising 80 acres;  |
| Sec. 8.  | NE $\frac{1}{4}$ ;<br>W $\frac{1}{2}$ ;                                                                                         | comprising 480 acres; |
| Sec. 9.  | E $\frac{1}{2}$ NE $\frac{1}{4}$ ;<br>SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;<br>E $\frac{1}{2}$ SE $\frac{1}{4}$ ;                 | comprising 200 acres; |
| Sec. 10. | All;                                                                                                                            | comprising 640 acres; |
| Sec. 11. | NW $\frac{1}{4}$ ;<br>N $\frac{1}{2}$ SW $\frac{1}{4}$ ;                                                                        | comprising 240 acres; |
| Sec. 15. | NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;<br>NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;                                                      | comprising 80 acres;  |

All of said lands aggregating 1880 acres.

5.

That a portion of the lands last above described were for some years irrigated by waters from a reservoir belonging to Murphy Irrigation District. In the month of June, 1943, said reservoir was destroyed by flood and has not been reconstructed or replaced, and said lands are now without water for irrigation although suitable for agriculture and highly productive if irrigated.

6.

That applicant desires to transfer the place of use of water rights above described allotted by the court decree above mentioned to Matthew Joyce and Anna Joyce, husband and wife, in the amount of 597.40 miners' inches, and the water right allotted by said decree to Ella C. Harder, administratrix, in the amount of \$181.1 miners' inches (all of said rights aggregating 778.50 miners' inches), from the lands to which they were made appurtenant by the terms of said decree to the lands of applicant described in paragraph 4 hereof; and the points of diversion of such waters from the points above mentioned at which they have formerly been diverted to the following new point of diversion, to-wit: South 28° West 1400 feet from the 1/4 section corner common to Sections 2 and 11, Township 4 South Range 2, W. B. M.

7.

That the water rights sought to be transferred as above set forth can be more beneficially used upon the lands to which their use is sought to be transferred than upon the lands to which such water rights were decreed to be appurtenant; that the latter lands are gravelly in character and require far more water to raise profitable crops than the land to which said waters are sought to be transferred; and that the water rights of no other person or persons whatsoever will be injured by such change.

WHEREFORE, applicant respectfully requests that in accordance with the provisions of Sec. 41-216, Idaho Code Annotated, as amended, a time and place of hearing be

4.

fixed upon this application, and that notice thereof be published as required by law, and that upon and after such hearing certificate of transfer be issued as prayed for herein.

Dated: June 18, 1948.

JOYCE LIVESTOCK COMPANY,  
a co-partnership,

By Edwin Snow  
Attorney and Agent

STATE OF IDAHO )  
                  ) ss.  
County of Ada )

EDWIN SNOW, being first duly sworn, deposes and says: That he is attorney and agent for Joyce Livestock Company, a co-partnership, the applicant mentioned in the foregoing application; that he has read said application, knows the contents thereof, and verily believes the statements therein contained are true and correct; that affiant makes this verification for the reason that both of the co-partners constituting said co-partnership are absent from Ada County, Idaho, the county in which affiant resides and has his office.

Edwin Snow

Subscribed and sworn to before me this 25th day of June, 1948.

Betty L. Wright  
Notary Public for Idaho  
Residing at Boise, Idaho