

District Court, Owyhee County, Idaho
Case filed 12/1/48 - 1:30 PM
S. L. Hobbs, Clerk

MICROFILMED

Write direct to paper for affidavit
of publication enclosing notice,
for of 92 in Yale

MICROFILMED

1104

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } ss.

I, **RODNEY A. HAWES**, being first duly sworn, on oath he is the Publisher of the **OWYHEE NUGGET**, a newspaper of general circulation, published weekly by **Rodney A. Hawes**, and printer thereof, at Marsing, County of Owyhee, State of Idaho.

That the annexed notice was published in said newspaper each week and every week for 2 consecutive weeks, the first publication being on the 1 day of Dec, 1955, and the last publication being on the 8 day of Dec, 1955;

That the said newspaper has been published continuously and uninterrupted in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER.

Subscribed and sworn to before me this 8 day of Dec, 1955.

Leonard L. Hawes
NOTARY PUBLIC.

My commission expires 9-10-56

(SEAL)

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that **Lanus G. Givens** of Star Route, Melba, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of subterranean flow from a well. Amount: .64 cubic foot per second with date of priority as of September 1, 1935. Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 2 South, Range 2 West. Place of Use: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West and

Lot 1 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North 5 acres of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 2 South, Range 2 West.

Transfer to Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 2 South, Range 2 West. Place of Use: Lots 1 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North 5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 2 South, Range 2 West.

And that on the 22nd day of December, 1955 at 10 o'clock A. M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP
State Reclamation Engineer
(Dec. 1 — 8)

RECEIVED
OCT 5 1956

Department of Reclamation

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

	Givens, Lanue & Ruby H.	0.64		57-0192
875	Givens, Lanus G.	0.64	0	57-0192A

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C O P Y

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Lamus G. Givens
of Melba, Idaho

For a Transfer of Water Right for
subterranean water, in Owyhee County,
Idaho.

ORDER GRANTING TRANSFER

No. 875

WHEREAS, On the 22nd day of December, 1955, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of Lamus G. Givens, of Melba, Idaho, for a transfer of water right 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 with the application, by the applicant, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, 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.

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 5th day of October, A. D. 1956.

Mark R. Kulp

MARK R. KULP

State Reclamation Engineer

(SEAL)

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 875

THIS IS TO CERTIFY, That Lanus G. Givens, of Melba, Idaho, is the owner of and using a certain water right for 0.64 cubic foot per second of subterranean water from a well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 2 South, Range 2 West, B. M., with priority of September 1, 1935, said water being decreed to Lanus G. Givens and Ruby H. Givens, by Judge Charles E. Winstead, in the District Court of the Third Judicial District of the State of Idaho, in and for the County of Owyhee, in the case of

LANUS G. GIVENS, et al,

Plaintiffs,

Vs.

EDWARD W. PEER, et al.,

Defendants

said decree bearing date of October 1, 1948, and being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34,
Twp. 1 South, Range 2 West, B.M.

Lots 1 & 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North 5
acres of SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3,
Twp. 2 South, Range 1 West, B.M.

That said decree has been entered in the records of the State Department of Reclamation in Volume 6 of Decrees, beginning at Page 979.

And that now, upon the application of Lanus G. Givens, of Melba, Idaho, for the transfer of 0.64 cubic foot per second of said subterranean waters, made before the State Reclamation Engineer of the State of Idaho,, and said application having been granted, the right to the use of said water upon the above described lands is hereby abandoned, and the lands to which said water shall, by this certificate, become appurtenant, for irrigation and domestic purposes, are described as follows, to-wit:

Lots 1 & 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North
5 acres of SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3,
Twp. 2 South, Range 2 West, 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:

Q.64 cubic foot per second of subterranean water, with priority of September 1, 1935.

That the water right hereby transferred has heretofore been conducted to the first above described lands through private ditches, with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 2 South, Range 2 West, B. M.

That the water right hereby described will hereafter be conducted to the last above described lands, through the same ditches and with the same 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 5th day of October, A. D. 1956.


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(SEAL)

State Reclamation Engineer



DEPARTMENT OF RECLAMATION

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STATE OF IDAHO

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And that now, upon the application of Lanus G. Givens, of Melba, Idaho, for the transfer of 0.64 cubic foot per second of said subterranean waters, made before the State Reclamation Engineer of the State of Idaho,, and said application having been granted, the right to the use of said water upon the above described lands is hereby abandoned, and the lands to which said water shall, by this certificate, become appurtenant, for irrigation and domestic purposes, are described as follows, to-wit:

Lots 1 & 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North
5 acres of SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3,
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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:

0.64 cubic foot per second of subterranean water, with priority of September 1, 1935.

That the water right hereby transferred has heretofore been conducted to the first above described lands through private ditches, with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 2 South, Range 2 West, B. M.

That the water right hereby described will hereafter be conducted to the last above described lands, through the same ditches and with the same point of diversion.

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Mark R. Kulp
MARK R. KULP

(SEAL)

State Reclamation Engineer

COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Lamus G. Givens
of Melba, Idaho

For a Transfer of Water Right for
subterranean water, in Owyhee County,
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WHEREAS, No protest has been filed against the application, and the evidence filed with the application, by the applicant, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, 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.

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Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

(SEAL)

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 875

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LANUS G. GIVENS, et al,

Plaintiffs,

Vs.

EDWARD W. PEER, et al.,

Defendants

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S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34,
Twp. 1 South, Range 2 West, B.M.

Lots 1 & 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North 5
acres of SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3,
Twp. 2 South, Range 1 West, B.M.

That said decree has been entered in the records of the State Department of Reclamation in Volume 6 of Decrees, beginning at Page 979.

And that now, upon the application of Lanus G. Givens, of Melba, Idaho, for the transfer of 0.64 cubic foot per second of said subterranean waters, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of said water upon the above described lands is hereby abandoned, and the lands to which said water shall, by this certificate, become appurtenant, for irrigation and domestic purposes, are described as follows, to-wit:

Lots 1 & 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North
5 acres of SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3,
Twp. 2 South, Range 2 West, 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:

0.64 cubic foot per second of subterranean water, with priority of September 1, 1935.

That the water right hereby transferred has heretofore been conducted to the first above described lands through private ditches, with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 2 South, Range 2 West, B. M.

That the water right hereby described will hereafter be conducted to the last above described lands, through the same ditches and with the same 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 5th day of October, A. D. 1956.


MARK R. KULP

(SEAL)

State Reclamation Engineer

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

LEWIS G. GIVENS and RUBY P. GIVENS,
husband and wife, LOUIS J. FOSTER
and MARY E. FOSTER, husband and
wife, and ELLY CARLSON OHL and
ALICE LILIAN OHL, husband and wife,
Plaintiffs,
vs.
EDWARD A. PEER and MARTHA A. PEER,
husband and wife, DAVID KERSHNER and
NANNIE BELL KERSHNER, husband and wife,
and J. A. MORGAN and O'DESOLLE MORGAN,
Defendants.

D E C R E E

Case No. 2169
District Court, Owyhee County, Idaho
Date Filed 10/5/48 - 1:30 PM
F. M. Hobbs, Clerk

This cause came regularly on for trial before the Court without a jury on the 21st day of April, 1948, Edwin Snow and Carey H. Nixon appearing as attorneys for plaintiffs; Anderson and Thomas appearing as attorneys for the defendants Edward A. Peer and Martha A. Peer and David Kershner and Nannie Bell Kershner; and Ariel L. Crowley appearing as attorney for the defendant J. A. Morgan, a single man, and O'Desollee Morgan, a single woman. Whereupon the case was heard and submitted and by the Court taken under advisement and duly considered, and the Court having seen and filed herein its decision, that is to say, its Findings of Fact and Conclusions of Law,

Now, Therefore, on motion of plaintiffs, IT IS ORD REED, ADJUDGED AND DECREED as follows:

I.

That plaintiffs Lewis G. Givens and Ruby E. Givens are hereby decreed the right to the use of 37 miners' inches (.74 cubic feet per second) of the water flowing from their well located on the land hereinafter described, said quantity of water to be measured at said well, with priority as to 32 miners' inches of such water dating from September 1, 1935, and with priority as to 5 miners' inches of such water dating from June 1, 1940, said water being decreed for irrigation, live-stock and domestic uses upon the following described land:

57
MICROFILMED

October 5, 1956

Mr. Lanus G. Givens
Star Route
Melba, Idaho

Dear Mr. Givens:

We enclose herewith Transfer Certificate No. 875 issued in accordance with your application for the transfer of subterranean water.

We also enclose Departmental Receipt No. 28202 for the recording fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By Roy W. Thompson
Supervisor of Water Distribution

A
Encl.

[Faint handwritten notes, possibly bleed-through from the reverse side.]

These are the papers of affidavit
I publication enclosing the true,
Jury 9th in year

MICROFILMED

John

~~to issue the issue of some newspaper~~
published in the county or counties in
which such district is situated, a full,
true and correct statement of the financial
condition of said district at the end of
the last preceding fiscal year, giving all
liabilities and assets of the said district,
in a form to be prescribed by the bureau
of public accounts of the State of Idaho,
and shall file a certified copy of such
financial statement with the Department of
Reclamation of the State of Idaho."

One copy of this report is for your files, one copy for the
printer, and one is to be sent to the Department of Reclamation
of the State of Idaho, Room 107 State House, in Boise, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Application For Transfer of Water Right

STATE OF IDAHO

County of Ada,

} ss.

Lanus G. Givens, being first duly sworn, deposes and says:

That his name is Lanus G. Givens; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Star Rt., Melba, Idaho.

That he is the owner and using a certain water right, bearing date of priority of Sept. 1, 1935, for .64 cubic feet per second of the waters of Subterranean Flow, (Well) County of Owyhee, State of Idaho, decreed to Lanus H. Givens & Ruby H. Givens by decree of Judge Charles E. Winstead of the Third Judicial District of the State of Idaho, in and for the County of Owyhee, in the case of Lanus G. Givens et al vs. Edward W. Peer et al, said decree bearing date of October 1, 1948 (or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____, 19____, bearing date of _____, 19____)

for the purpose of irrigating the following described lands situate, lying and being in Water District No. _____ in the County of _____ and State of Idaho, to-wit:

S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Twp. 1.S. Range 2.W. and Lot 1, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North 5 acres of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Twp. 2.S. Range 2.W.

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. Original owner,

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~~ ^{Well} in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 2.S, Range 2.W., B. M., and conducted to the above described lands through private ditches,

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

That affiant and petitioner desires to abandon the use of .64 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Owyhee, and State of Idaho, to-wit:

~~S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Twp. 1.S. Range 2.W. and Lot 1, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North 5 acres of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Twp. 2.S. Range 2.W. B.M.~~
Lot 1 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and North 5 Acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Twp. 2.S. Range 2.W. B.M.

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

All water from the above mentioned well will be used on the land last above described, and lands from which the water is being transferred will be irrigated from a different well, better economical use of water.

That he intends to divert and convey said......64.....second feet of water to the tract of land last above described in the following manner, to-wit: with no change in point of diversion,

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

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

James G. Givens
Applicant.

Subscribed and sworn to before me this.....28th.....day of November,

A. D. 19..55.....

True Elmer
Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?.....Subterranean Source,.....(Well)

Where is the diversion point located?.....SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Twp. 2.S. R. 2.W.

Through what ditch is it now conducted?.....Private ditches,

How much land is now irrigated by the water sought to be transferred?.....57 acres,

Give the description:.....See application first page,

What is the total amount of water in inches, or second feet, dedicated to said land?......56 c.f.s.

What kind of crops are being raised?.....Hay and grain,

How much water per acre is now required to irrigate said land?.....One inch

What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....

None as land will be irrigated from different source,

Give location of new point of diversion, if change is to be made.....No change in point of diversion.

Through what ditch will it be conducted after transfer?.....Same ditches,

How much water will be required per acre to irrigate the land to which this water is transferred?.....

One inch

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source.....None at present time (See Permit No. 20953)

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.....

Signed James G. Givens
Applicant.

STATE OF IDAHO,

County of.....

ss.

..... and
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.....
that he is user of water from....., in Water District No.....
County of, State of Idaho; that he has read or heard read the foregoing affidavit and petition of..... and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this..... day of.....
A. D. 19.....

STATE OF IDAHO,

County of.....

ss.

I, ..., Watermaster of.....
Water District No....., County of....., State of Idaho, whose postoffice address is....., have read or heard read the foregoing affidavit and petition of, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Watermaster Dist. No.....

Dated at, Idaho, this..... day of....., 19.....

Name of Applicant.....

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } ss.

I, RODNEY A. HAWES, being first duly sworn, on oath
he is the Publisher of the OWYHEE NUGGET, a newspaper
of general circulation, published weekly by Rodney A. Hawes,
and printer thereof, at Marsing, County of Owyhee, State of

That the annexed notice was published in said newspaper
each week and every week for 2 consecutive weeks, the first publi-
cation being on the 1 day of Dec, 1955, and
the last publication being on the 8 day of Dec
1955;

That the said newspaper has been published continuously and un-
interruptedly in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of the attached
notice.

Rodney A. Hawes
PUBLISHER.

Subscribed and sworn to before me this 8 day of Dec,
1955.

Leona Schaver
NOTARY PUBLIC.

My commission expires 9-10-56

(SEAL)

RECEIVED
OCT 5 1956
Department of Reclamation

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County of Owyhee } ss.

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Leona Schaver
NOTARY PUBLIC.

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(SEAL)

INDEXED
FILED

RECEIVED
OCT 5 1956
Department of Reclamation

September 28, 1956

Owyhee Nugget
Marsing, Idaho

Gentlemen:

We do not seem to have received the affidavit of publication, in connection with the enclosed notice, published in your paper December 1st and 8th, 1955.

This affidavit is necessary in order to complete the matter, and we shall appreciate your furnishing us with same.

Thanking you, we are,

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A
Encl.

**NOTICE OF PROPOSED
TRANSFER OF
WATER RIGHT**

Notice is hereby given that Lanus G. Gvens of Star Route, Melba, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of subterranean flow from a well. Amount. .64 cubic foot per second with date of priority as of September 1, 1935. Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 2 South, Range 2 West. Place of Use: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West and

Lot 1 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North 5 acres of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 2 South, Range 2 West.

Transfer to
Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 2 South, Range 2 West. Place of Use: Lots 1 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and North 5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 2 South, Range 2 West.

And that on the 22nd day of December, 1955 at 10 o'clock A. M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP
State Reclamation Engineer
(Dec. 1 — 8)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Date:
November 29, 1955

**Owyhee Nugget
Marsing
Idaho**

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **December 22, 1955**, the date set for hearing, the expense of the publication to be paid by the applicant, **Ianus C. Givens** of **Star Route, Melba, Idaho**, to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that Ianus G. Givens
of Star Route, Melba, Idaho, has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing him to change the ~~present~~
~~present~~ place of use of the waters of subterranean flow from a well.
Amount: .64 cubic foot per second with date of priority as of September 1, 1935.

~~XXXXXXXXXXXXXXXXXXXX~~
Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 2 South,
Range 2 West Place of Use: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{2}$ SW $\frac{1}{4}$, Section 34,
Township 1 South, Range 2 West and Lot 1 and 3, SE $\frac{1}{2}$ NW $\frac{1}{4}$, and North 5 acres of the
SW $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3 Township 2 South, Range 2 West.

Transfer to

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 2 South,
Range 2 West Place of Use: Lots 1 and 3, SE $\frac{1}{2}$ NW $\frac{1}{4}$,
and North 5 acres in the SW $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3, Township 2 South, Range 2 West.

And that on the 22nd day of December, 1955
at 10 o'clock A. M., at Room 107, State House, Boise, Idaho,
before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

MARK R. KULP

State Reclamation Engineer.



ROBERT E. SMYLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER
BOISE

November 22, 1955

RE: Permit No. 20953

Mr. Lanus G. Givens
Star Route
Melba, Idaho

Dear Lanus:

I found an aerial photo of your place, it shows quite plainly the land that is irrigable.

Twp. 2 S., Rge. 2 W.; Sec. 2, $NW\frac{1}{4} SW\frac{1}{4} = 20$ acres
 $SW\frac{1}{4} NW\frac{1}{4} = 20$ acres

Sec. 3, $SE\frac{1}{4} NE\frac{1}{4} = 10$ acres
 $NE\frac{1}{4} NE\frac{1}{4} = 20$ acres

Twp. 1 S., Rge. 2 W.; Sec. 34, $SE\frac{1}{4} SE\frac{1}{4} = 5$ acres
75 acres listed in Permit.

I also find 20 acres irrigated in the $SW\frac{1}{4} SE\frac{1}{4}$ of Section 34 and 5 acres irrigated in the $NW\frac{1}{4} NE\frac{1}{4}$ of Section 3.

It will be possible to get a supplemental license on it under this same permit by amending the Permit and then making additional proof.

If there is any question in your mind regarding this, I would be glad to have you come in and see me. If you do not agree with my findings, please let me know so that it can be corrected before license is issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey

E. N. Humphrey
Deputy State Reclamation Engineer

MICKEL
LAW
FIRM

H:hll