

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

59-C

WILLIAM L. EVANS, WILLIAM L. EVANS,
CLARENCE L. EVANS, CHARLES L. EVANS,
ROBERT A. EVANS, ANDREW L. EVANS,
MARGIE EVANS, THOMAS A. EVANS,
JOHN L. EVANS, ROBERT A. EVANS and
MARIAN EVANS,

Plaintiffs,

vs.

WILLIAM L. EVANS, ARTHUR HENDERSON, C. C. PAUL,
H. D. PAUL, ROBERT ALVIN, OTTO L. LUND,
HENDERSON COMPANY, LIMITED, a corporation,
J. L. WING, WILSON L. GAGE, JOHN HENDERSON,
C. L. WATTS, THE GOLDEN CROWN MINING COMPANY,
HENDERSON, a corporation, HENDERSON MINING,
J. M. WATTS, W. WATTS, VICTOR WATTS,
HENDERSON MINING, JAMES H. HENDERSON, THOMAS
H. HENDERSON, ROBERT L. HENDERSON, ALVIN
WATTS, WATTS MINING and FRED T. SMITH, and
J. M. WATTS.

Defendants.

Whereas, the parties herein are engaged in a trial, Richard M. Johnson,
Esq., appearing as counsel for the plaintiffs, John E. Nugent, Esq.,
and J. M. WATTS, Esq., appearing as counsel for the defendants William
Lund, Arthur Henderson, Thomas H. Henderson, Donald H. Henderson, J. M.
Watts, Fredrick W. Wacker, Wm. W. Wacker, The Golden Crown Mining Company,
HENDERSON, a corporation, WATTS MINING and Fred T. Smith; Eugene Brosie,
Esq., appearing as counsel for the defendant Wm. W. Wacker, Thos. H. Henderson,
Esq., appearing as counsel for defendant Charles H. Henderson, Paul

RECORDED

Trans. # 1070

1902 - Earlen Clark (Lindsey Ranch) - - - - - 5 "
1903 - Victor Gavica - - - - - 5 "
1904 - Ansey Crill - - - - - 2 "

Trans. # 1070
57 0142

1905 - Earlen Clark - - - - - 5 "
1905 - Victor Gavica - - - - - 5 "

Trans. # 1070
57 0144

1905 - Earlen Clark - - - - - 5 "
1905 - William Toy (Cap. Paul Ranch) - - - - - 15 "
1906 - Gardiner Brothers - - - - - 15 "
1906 - Lillian L. Evans and Wm. D. Evans - - - - - 8 "
1906 - Mreilla McPonough - - - - - 10 "
1907 - John J. Evans - - - - - 10 "
1907 - J. H. Morgan - - - - - 6 "
1908 - Maggie Devine - - - - - 6 "
1908 - Thomas A. Foreman - - - - - 10 "
1908 - John Henderson - - - - - 3 "

Trans. # 1070
57 0154

1906 - Earlen Clark (Lindsey Ranch) - - - - - 5 "
1907 - Victor Gavica - - - - - 10 "

Trans. # 1070
57 0156

1907 - Earlen Clark " " - - - - - 15 "
1908 - William Toy - - - - - 20 "
1908 - Mreilla McPonough - - - - - 17 "
1908 - J. H. Morgan - - - - - 74 "
1908 - Maggie Devine - - - - - 20 "
1908 - Victor Gavica - - - - - 5 "

1908 - Martha Henderson - - - - - 8 inches
1908 - Thomas A. Foreman - - - - - 10 "

Trans. # 1070
57 0164

1908 - Earlen Clark (Lindsey Ranch) - - - - - 3 "
1911 - Ansey Crill - - - - - 2 "

That the water so decreed to the said parties shall be appurtenant to the lands owned by them respectively and which are described as follows:

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } S.S.

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

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 30 day of December, 1965, and the last publication being on the 6 day of Jan, 1966;

That the said newspaper has been published continuously and uninterruptedly 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 9 day of May, 1966;

Lona S. Hawes
NOTARY PUBLIC

My commission expires 9-10-68
(SEAL)

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that James W. Nettleton of Oreana, 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 Castle Creek as follows: Amount: 1.86 cubic feet per second. Priority: 1.1 c.f.s. 12-10-07; .1 c.f.s. 1903; .1 c.f.s. 1904; .1 c.f.s. 1905; .1 c.f.s. 1906; .3 c.f.s. 1907; .06 c.f.s. 1908. Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 4 S. Range 1 E., B. M. Place of Use: S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 35; SW $\frac{1}{4}$, Sec. 36, T. 3 S., R. 1 E. B. M.

To Be Transferred To

Point of Diversion: No change.

Place of Use: E $\frac{1}{2}$ Lot 8; E $\frac{1}{2}$ -SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 3 S., R. 1 E; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 4 S., R. 1 E., Lots 4 & 5, Sec. 31; T. 3 S., R. 2 E; Lots 3 & 4, Sec. 6, T. 4 S., R. 2 E.

And that on the 12th day of January, 1966, at 10:00 o'clock A. M. at Room 107 Statehouse, 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.

CARL E. TAPPAN,
State Reclamation Engineer
Published December 30, 1965,
and January 6, 1966
The Owyhee Nugget
Marsing, Owyhee County, Idaho

RECEIVED
MAY 11 1966

Department of Reclamation

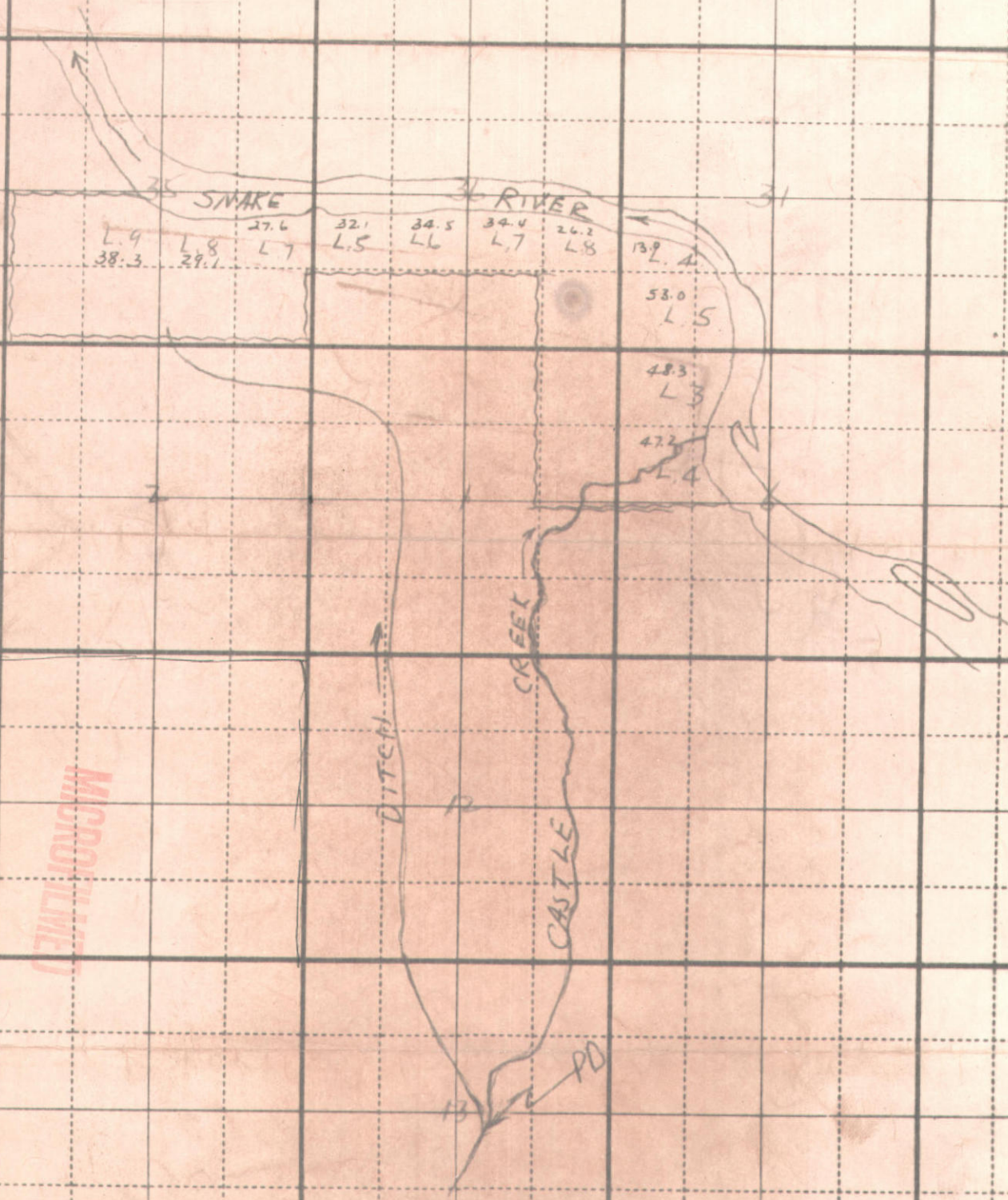
RECEIVED

DEC 22 1965

Department of Examination

R I E R Z E

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MICROFILMED

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F. S.	RIGHT NO.
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	Clark, Harlan	0.1		57-0139
1070	Nettleton, James W.	0.1	0	57-0139A

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S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

C E R T I F I C A T E O F D E C R E E D W A T E R R I G H T
T R A N S F E R R E D R I G H T N O . 1 0 7 0

THIS IS TO CERTIFY, That James W. Nettleton of Oreana, Idaho, is the owner of and using certain water rights as follows: 38 inches or 0.76 cubic feet per second of the waters of Castle Creek with priority as follows:

1903 - 5 inches; 1904 - 5 inches; 1905 - 5 inches;
1906 - 5 inches; 1907 - 15 inches; 1908 - 3 inches;

said water being decreed to George F. Brown, successor to Harlan Clark; and 55 inches or 1.1 cubic feet per second of the waters of Castle Creek, with priority of December 10, 1907, decreed to James L. Ween, by decree of Judge M. I. Church of the Third Judicial District of the State of Idaho, in and for the County of Owyhee in the case of

JAMES L. DAVEY

Plaintiff

vs.

GEORGE F. BROWN, et al

Defendants

said decrees bearing date of May 15, 1923, and being appurtenant to the following described lands, to-wit:

SW $\frac{1}{4}$, Section 36, Township 3
South, Range 1 E.B.M., and

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 3
South, Range 1 E.B.M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 4 of Decrees, beginning at Page 617;

And that now, upon the application of James W. Nettleton for the transfer of 38 inches or 0.76 cubic feet per second, and 55 inches or 1.1 cubic feet per second, of the waters of Castle Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 38 inches or 0.76 cubic feet per second, and 55 inches or 1.1 cubic feet per second, of the waters of Castle Creek upon the above described lands is hereby abandoned, and the lands under such

right and to which the water right HEREBY CONFIRMED, shall become appurtenant by this Certificate for irrigation purposes, is described as follows, to-wit:

EN¹/₄ of Lot 8; E¹/₂SE¹/₄SE¹/₄ of Section 36,
Township 3 South, Range 1 E.B.M.,
E¹/₂NE¹/₄, Section 1, Township 4 South,
Range 1 E.B.M.,
Lots 4 and 5, Section 31, Township 3
South, Range 2 E.B.M., and Lots 3 and
4, Section 6, Township 4 South, Range 2
E.B.M.,

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

38 inches or 0.76 cubic feet per
second of the waters of Castle
Creek, bearing date of priority
as follows:

1903 - 5 inches;	1904 - 5 inches;
1905 - 5 inches;	1906 - 5 inches;
1907 -15 inches;	1908 - 3 inches;

and

55 inches or 1.1 cubic feet per
second of the waters of Castle
Creek, bearing priority date of
December 10, 1907;

That the water right hereby transferred has heretofore been conducted from Castle Creek to the first above described land through a ditch or canal, with point of diversion in the NW¹/₄SE¹/₄, Section 13, Township 4 South, Range 1 E.B.M.,

That the water right hereby transferred will hereafter be conducted to the last above described land with no change in point of diversion;

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands 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 11th day of May, 1966.

CARL E. TAPPAN
State Reclamation Engineer

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Application of	)	
	)	
James W. Nettleton	)	
of	)	ORDER GRANTING TRANSFER
Oreana, Idaho	)	
	)	NO. 1070
For a Transfer of Water Right	)	
in the County of Owyhee, State	)	
of Idaho	)	

WHEREAS, On the 12th day of January, 1966, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of James W. Nettleton of Oreana, 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 by the applicant with the application shows that the water will be put to a higher and more efficient beneficial use and no one will be injured thereby;

NOW, THEREFORE, IT IS 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 11th day of May, 1966.

CARL E. TAPPAN
State Reclamation Engineer

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

59-C

WILLIAM T. EVANS, LILLIAN L. EVANS,
JOSEPH T. HARDMAN, CHARLES I. HARDMAN,
EDWARD A. HARDMAN, ANDREW T. EVANS,
MAGGIE DEVINT, THOMAS A. FOREMAN,
JOHN T. EVANS, MRS. M. MC DONOUGH and
HARLAN CLARK,

Plaintiffs,

J U D G M E N T

WILLIAM TOY, MARTHA HENDERSON, C. S. POLK,
H. D. POLK, ROBERT ALKMAN, OWYHEE LAND &
IRRIGATION COMPANY, LIMITED, a corporation,
J. L. WHEIS, MILTON G. CAGE, JOHN HENDERSON,
S. E. VANCE, THE GOLDEN CROWN MINING COMPANY,
LIMITED, a corporation, FREDERICK WITCHER,
J. M. MORGAN, WM. SPARKS, VICTOR SAVICA,
JAMES HENDERSON, CHAS. H. MOREHOUSE, THOMAS
D. HENDERSON, DONALD F. HENDERSON, AMSEY
CHILL, WILBUR MOSSMAN and FRED T. SMITH, and
E. T. BRYAN.

Defendants.

Multi-filmed
The cause coming on regularly for trial, Richard H. Johnson,
Esq., appearing as counsel for the plaintiffs, John F. Nugent, Esq.,
and Karl Daine, Esq., appearing as counsel for the defendants William
Toy, Martha Henderson, Thomas D. Henderson, Donald F. Henderson, J. M.
Morgan, Frederick Witcher, Wm. Sparks, The Golden Crown Mining Company,
Limited, Amsey Chill, Wilbur Mossman and Fred T. Smith; Eugene Brasie,
Esq., appearing as counsel for defendant Victor Savica; Hugh W. Hoffberg,
Esq., appearing as counsel for defendant Charles H. Morehouse, Paul

Tram # 1070	1903 - Harlan Clark (Lindsey Ranch) - - - - -	5	"
	1904 - Victor Gavica - - - - -	5	"
	1904 - Amsey Crill - - - - -	2	"
Tram # 1070 578142	1904 - Harlan Clark - - - - -	5	"
	1905 - Victor Gavica - - - - -	5	"
578142	1905 - Harlan Clark - - - - -	5	"
	1906 - William Toy (Cap. Paul Ranch) - - - - -	15	"
	1906 - Ferdinand Brothers - - - - -	15	"
	1906 - Lillian L. Evans and Wm. D. Evans - - - - -	8	"
	1906 - Urcilla McDonough - - - - -	10	"
	1906 - John J. Evans - - - - -	10	"
	1906 - J. M. Morgan - - - - -	6	"
	1906 - Maggie Devine - - - - -	6	"
	1906 - Thomas A. Foreman - - - - -	10	"
	1906 - John Henderson - - - - -	3	"
Tram # 1070 578154	1906 - Harlan Clark (Lindsey Ranch) - - - - -	5	"
	1907 - Victor Gavica - - - - -	10	"
Tram # 1070 578136	1907 - Harlan Clark " " - - - - -	15	"
	1908 - William Toy - - - - -	20	"
	1908 - Urcilla McDonough - - - - -	17	"
	1908 - J. M. Morgan - - - - -	24	"
	1908 - Maggie Devine - - - - -	20	"
	1908 - Victor Gavica - - - - -	5	"
	1908 - Martha Henderson - - - - -	8 inches	
	1908 - Thomas A. Foreman - - - - -	10	"
Tram # 1070 578184	1908 - Harlan Clark (Lindsey Ranch) - - - - -	3	"
	1911 - Amsey Crill - - - - -	2	"

That the water so decreed to the said parties shall be appurtenant to the lands owned by them respectively and which are described as follows:

February 21, 1966

Mr. James W. Nettleton,
Oreana, Idaho.

Dear Mr. Nettleton:

To date we have not received the Affidavit
of Publication or the \$1.00 recording fee in con-
nection with your transfer of water right.

The Owyhee Nugget will furnish the Affidavit
of Publication if you have not already received it.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:pmk

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January 12, 1966

Mr. James W. Nettleton
Oreana, Idaho

Dear Mr. Nettleton:

As there were no protests to your application for transfer of water right, we will issue a Certificate of Transfer upon receipt of an affidavit of publication and the \$1.00 recording fee.

Very truly yours,

ROBERT W. HAMILTON, Supervisor
State Water Distribution

RWH:efw

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**NOTICE OF PROPOSED
TRANSFER WATER RIGHT**

Notice is hereby given that James W. Nettleton of Oreana, 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 Castle Creek as follows: Amount: 1.86 cubic feet per second. Priority: 1.1 c.f.s. 12-10-07; .1 c.f.s. 1903; .1 c.f.s. 1904; .1 c.f.s. 1905; .1 c.f.s. 1906; .3 c.f.s. 1907; .08 c.f.s. 1908. Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 4 S, Range 1 E., B. M. Place of Use: S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 35; SW $\frac{1}{4}$, Sec. 36, T. 3 S., R. 1 E. B. M.

To Be Transferred To

Point of Diversion: No change.

Place of Use: E $\frac{1}{2}$ Lot 8; E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 3 S., R. 1 E.; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 4 S., R. 1 E., Lots 4 & 5, Sec. 31; T. 3 S., R. 2 E.; Lots 3 & 4, Sec. 6, T. 4 S., R. 2 E.

And that on the 12th day of January, 1966, at 10:00 o'clock A. M. at Room 107 Statehouse, 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.

CARL E. TAPPAN,

State Reclamation Engineer
Published December 30, 1965,
and January 6, 1966
The Owyhee Nugget
Marsing, Owyhee County, Idaho

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that James W. Nettleton of Oreana, 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 Castle Creek as follows: Amount: 1.86 cubic feet per second. Priority: 11 c.f.s. 12-10-07; .1 c.f.s. 1903; .1 c.f.s. 1904; .1 c.f.s. 1905; .1 c.f.s. 1906; .3 c.f.s. 1907; .06 c.f.s. 1908. Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 4 S. Range 1 E., B. M. Place of Use: S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 35; SW $\frac{1}{4}$, Sec. 36, T. 3 S., R. 1 E. B. M.

To Be Transferred To

Point of Diversion: No change.

Place of Use: E $\frac{1}{2}$ Lot 8; E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 3 S., R. 1 E.; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 4 S., R. 1 E., Lots 4 & 5, Sec. 31; T. 3 S., R. 2 E.; Lots 3 & 4, Sec. 6, T. 4 S., R. 2 E.

And that on the 12th day of January, 1966, at 10:00 o'clock A. M. at Room 107 Statehouse, 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.

CARL E. TAPPAN,

State Reclamation Engineer
Published December 30, 1965,
and January 6, 1966
The Owyhee Nugget
Marsing, Owyhee County, Idaho

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

December 23, 1965

Re: Transfer of Water Right
James W. Nettleton

Owyhee Nugget,
Marsing, Idaho.
Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **January 12, 1966** the date set for hearing; the expense of the publication is to be paid by the applicant **James W. Nettleton** of **Oreana, 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 or tear-sheet of the first publication.**

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that James W. Nettleton of Oreana, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the ~~point of diversion~~ ~~and/or~~ place of use of the waters of Castle Creek as follows:

Amount: <u>1.86</u> cubic feet per second.,	Priority: <u>1-1</u>	a.f.s.	<u>12-10-07</u>
Point of diversion: <u>NW 1/4 SE 1/4, Section</u>	<u>.1</u>	"	<u>1903</u>
	<u>.1</u>	"	<u>1904</u>
Place of Use: <u>S1/2SW1/4, Sec. 35; SW1/4, Sec.</u>	<u>.1</u>	"	<u>1905</u>
	<u>.1</u>	"	<u>1906</u>
	<u>.3</u>	"	<u>1907</u>
	<u>.06</u>	"	<u>1908</u>

To Be Transferred To
No change.
 Point of Diversion: / XXXXXXXX, Sec. 35, T. 3 S., R. 1 E; XXXXXXXX, Sec. 1,
 Place of Use: E1/2 Lot 8; E1/2SE1/4, Sec. 35, T. 3 S., R. 1 E; E1/2NE1/4, Sec. 1,
T. 4 S., R. 1 E., Lots 4 & 5, Sec. 31; T. 3 S., R. 2 E;
Lots 3 & 4, Sec. 6, T. 4 S., R. 2 E.

And that on the 12th day of January, 19 66, at 10:00 o'clock A.M. at Room 107 Statehouse, 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.

CARL E. TAPPAN
 State Reclamation Engineer

Application For Transfer of Water Right

RECEIVED

DEC 22 1935

Department of Reclamation

STATE OF IDAHO

County of Owyhee

SS.

James F. Mattleton

, being first duly sworn, deposes and says:

That his name is James F. Mattleton; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Oreana, Idaho

That he is the owner and using a certain water right, bearing date of priority of Dec. 10th 1907, for 55 inches cubic feet per second of the waters of Castle Creek

County of Owyhee, State of Idaho, decreed to James L. Wees by decree of Judge M. I. Church of the Third Judicial District of the State of Idaho, in and for the county of Owyhee, in the case of James L. Davey vs. George F. Brown et al, said decree bearing date of May 15th, 1923

(or obtained by virtue of License No. 3301, issued by the State Department of Reclamation of the State of Idaho, dated Feb. 11, 1918, bearing date of Dec. 10, 1907

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 14-A in the County of Owyhee and State of Idaho, to-wit:

S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 35, T3S. R1E. B. M.

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. By purchase of said lands and Water Rights

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 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 4 South, Range 1 East, B. M., and conducted to the above described lands through a ditch or canal

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

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of 55 inches 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:

E $\frac{1}{2}$ of Lot 8; E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T3S. R1E. the E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 1, T4S. R1E. Lots 4 & 5, Sec. 31, T3S. R2E. and Lots 3 and 4, Sec. 6, T4S. R2E. B. M.

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

MICROFILMED

That he intends to divert and convey said 55 inches second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

By canal or ditch as shown on enclosed map

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in 1/4 of 1/4 of Section , Township , Range , and thereafter conduct same to the above described land through the ditch, as per map appended.

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

No change in Point of Diversion

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

James W. Nettleton
Applicant.

Subscribed and sworn to before me this 17th day of December, 1965

Lester C. Ford
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Castle Creek
Where is the diversion point located? NW 1/4 Sec. 13, T4S. R1E. B. M.
Through what ditch is it now conducted? Applicants ditch as per map
How much land is now irrigated by the water sought to be transferred? 240 acres
Give the description: E 1/2 of Lot 8, E 1/4 SE 1/4 Sec. 36, T3S. R1E.; E 1/4 NE 1/4 Sec. 1, T4S. R1E. Lots 4 & 5 Sec. 31, T3S. R2E. and Lots 3 & 4 Sec. 6, T4S. R2E. B. M.

What is the total amount of water in inches, or second feet, dedicated to said land? 134 inches

What kind of crops are being raised? Pasture

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?

Will dry up and no crops

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

Through what ditch will it be conducted after transfer? Same ditch

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. 270 inches, I think 1951-- Snake River

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

date and source. 41 inches 1874-1906 and 1908 Castle Creek

Signed

James W Nettleton
Applicant.

STATE OF IDAHO,

County of

Owyhee

ss.

I, Earl M. Johnston, Watermaster of Castle & Alder Creeks

Water District No. 14-4, County of Owyhee, State of Idaho, whose postoffice address

is Crescent, Idaho, have read or heard read the foregoing affidavit and petition

of James W. Nettleton, 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 Reclamation 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:

Watermaster, District No. 14-4

Earl M. Johnston

Dated at

Crescent

Idaho, this

17th

day of

December, 1965

Name of Applicant.

SEC.

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

May 12, 1966

Re: Transfer of Water Right
No. 1070

Mr. James W. Nettleton,
Oreana, Idaho.

Dear Mr. Nettleton:

We are enclosing Order Granting Transfer and Certificate of Transfer of Water Right No. 1070, together with Departmental Receipt No. 33206, which was issued covering payment in the amount of \$1.00 for the recording fee.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl. - Certificate
Receipt

RWH:pmk

cc: Francis Thorne, Watermaster
Water District No. 14-A
Oreana, Idaho

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Application of	)	
	)	
James W. Nettleton	)	
of	)	
Oreana, Idaho	)	ORDER GRANTING TRANSFER
	)	NO. 1070
For a Transfer of Water Right	)	
in the County of Owyhee, State	)	
of Idaho	)	

WHEREAS, On the 12th day of January, 1966, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of James W. Nettleton of Oreana, 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 by the applicant with the application shows that the water will be put to a higher and more efficient beneficial use and no one will be injured thereby;

NOW, THEREFORE, IT IS 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 11th day of May, 1966.

CARL E. TAPPAN
State Reclamation Engineer

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

C E R T I F I C A T E O F D E C R E E D W A T E R R I G H T
T R A N S F E R R E D R I G H T N O . 1 0 7 0

THIS IS TO CERTIFY, That James W. Nettleton of Oreana, Idaho, is the owner of and using certain water rights as follows: 38 inches or 0.76 cubic feet per second of the waters of Castle Creek with priority as follows:

1903 - 5 inches; 1904 - 5 inches; 1905 - 5 inches;
1906 - 5 inches; 1907 - 15 inches; 1908 - 3 inches;

said water being decreed to George F. Brown, successor to Harlan Clark; and 55 inches or 1.1 cubic feet per second of the waters of Castle Creek, with priority of December 10, 1907, decreed to James L. Ween, by decree of Judge M. I. Church of the Third Judicial District of the State of Idaho, in and for the County of Owyhee in the case of

JAMES L. DAVEY

Plaintiff

vs.

GEORGE F. BROWN, et al

Defendants

said decree bearing date of May 15, 1923, and being appurtenant to the following described lands, to-wit:

SW $\frac{1}{4}$, Section 36, Township 3
South, Range 1 E.B.M., and

S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 35, Township 3
South, Range 1 E.B.M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 4 of Decrees, beginning at Page 617;

And that now, upon the application of James W. Nettleton for the transfer of 38 inches or 0.76 cubic feet per second, and 55 inches or 1.1 cubic feet per second, of the waters of Castle Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 38 inches or 0.76 cubic feet per second, and 55 inches or 1.1 cubic feet per second, of the waters of Castle Creek upon the above described lands is hereby abandoned, and the lands under such

right and to which the water right HEREBY CONFIRMED, shall become appurtenant by this Certificate for irrigation purposes, is described as follows, to-wit:

EN of Lot 8; ENSESE of Section 36,
Township 3 South, Range 1 E.B.M.,
ENNE, Section 1, Township 4 South,
Range 1 E.B.M.,
Lots 4 and 5, Section 31, Township 3
South, Range 2 E.B.M., and Lots 3 and
4, Section 6, Township 4 South, Range 2
E.B.M.,

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

38 inches or 0.76 cubic feet per
second of the waters of Castle
Creek, bearing date of priority
as follows:

1903 - 5 inches;	1904 - 5 inches;
1905 - 5 inches;	1906 - 5 inches;
1907 - 15 inches;	1908 - 3 inches;

and

55 inches or 1.1 cubic feet per
second of the waters of Castle
Creek, bearing priority date of
December 10, 1907;

That the water right hereby transferred has heretofore been conducted from Castle Creek to the first above described land through a ditch or canal, with point of diversion in the NWSE, Section 13, Township 4 South, Range 1 E.B.M.,

That the water right hereby transferred will hereafter be conducted to the last above described land with no change in point of diversion;

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands 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 11th day of May, 1966.

CARL E. TAPPAN
State Reclamation Engineer

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } S.S.

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

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 31 day of December, 1965, and the last publication being on the 6 day of Jan, 1966;

That the said newspaper has been published continuously and uninterruptedly 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 9 day of May, 1966.

Lora L. Hawes
NOTARY PUBLIC

My commission expires 4-11-68
(SEAL)

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that James W. Nettleton of Oreana, 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 Castle Creek as follows: Amount: 1.46 cubic feet per second. Priority: 1.1 c.f.s. 12-10-07; 1 c.f.s. 1903; 1 c.f.s. 1904; 1 c.f.s. 1905; 1 c.f.s. 1906; 3 c.f.s. 1907; 06 c.f.s. 1908. Point of diversion: NW 1/4, Section 13, Township 4 S, Range 1 E, B. M. Place of Use: SW 1/4, Sec. 35, SW 1/4, Sec. 35, T. 3 S., R. 1 E. B. M.

To Be Transferred To
Point of Diversion: No change.

Place of Use: E 1/4 Lot 8; E 1/4 SW 1/4 Sec. 36, T. 3 S., R. 1 E; E 1/4 NE 1/4 Sec. 1, T. 4 S., R. 1 E, Lots 4 & 5, Sec. 31, T. 3 S., R. 2 E; Lots 3 & 4, Sec. 6, T. 4 S., R. 2 E.

And that on the 12th day of January, 1966, at 10:00 o'clock A. M. at Room 107 Statehouse, 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.

CARL E. TAPPAN,
State Reclamation Engineer
Published December 30, 1965,
and January 6, 1966.
The Owyhee Nugget
Marsing, Owyhee County, Idaho

RECEIVED
MAY 11 1966

Department of Reclamation

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

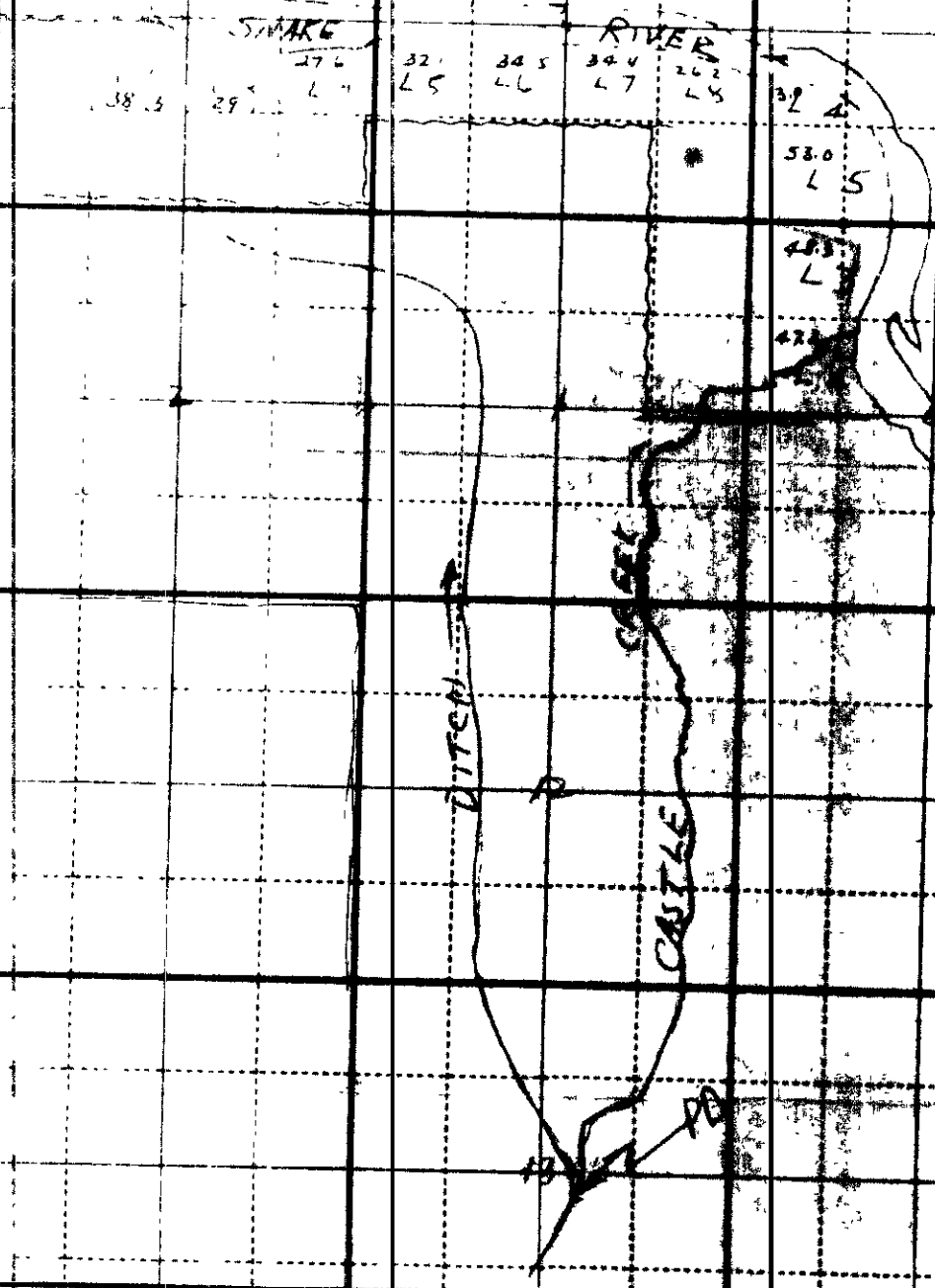
Notice is hereby given that James W. Nettleton of Oreana, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the ~~point of diversion~~ and/or place of use of the waters of Castle Creek as follows:
 Amount: 1.86 cubic feet per second. Priority: _____
 Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 4S, Range 1E, B.M.
 Place of Use: S²SW⁴-35; SW⁴-36; T.3S. R.1E B.M.

To Be Transferred **Microfilm**
 Point of Diversion: No Change NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section _____, Township _____, Range _____, B.M.
 Place of Use: E² Lot 8; E²SE⁴SE⁴-36; T.3S-R.1E. E²NE⁴-1; T.4S-R.1E. Lots 4+5 31; T.3S. R.2E; Lots 3+4-6; -T.4S-R.2E.

And that on the 12 day of Jan, 1966, at 10:00 o'clock A. M. at Room 107 Statehouse, 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.

1.1 C.F.S.	12-10-07
.1	- 1903
.1	- 1904
.1	- 1905
.1	- 1906
.3	- 1907
.06	- 1908
1.86	Total

 State Reclamation Engineer



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

RECEIVED

DEC 22 1965

Form 20

Department of Reclamation

Application For Transfer of Water Right

STATE OF IDAHO

County of OWYHEE

SS.

James W. Nettleton

, being first duly sworn, deposes and says:

That his name is James W. Nettleton; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Oreana, Idaho

1903-5m 1907-5m
1904-5m 1908-5m
1905-5m 1909-5m
1906-5m 1910-5m

That he is the owner and using a certain water right, bearing date of priority of May 10th, 1911 inclusive for 38 inches cubic feet per second of the waters of Castle Creek

County of Owyhee, State of Idaho, decreed to George F. Brown, successor to Harlan Clark

by decree of Judge M. I. Church of the Third Judicial District of the State of Idaho, in and for the county of Owyhee, in the case of James L. Davey

vs. George F. Brown et al, said decree bearing date of May 15th, 1923

(or obtained by virtue of License No. _____, issued by the State Department of Reclamation 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. 14-A in the County of Owyhee and State of Idaho, to-wit:

SW 1/4 Section 36, T3S. R1E. B. M.

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. By Purchase of said lands and Water Rights

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 in the NW 1/4 SE 1/4 of Section 13, Township 4 South, Range 1 East, B. M., and conducted to the above described lands through a ditch or canal

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

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of 38 inches 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:

E 1/2 of Lot 8; E 1/4 SE 1/4 of Section 36, T3S. R1E. B. M. E 1/4 NE 1/4 S 1/4 T4S. R1E.

Lots 4 & 5, Sec. 31, T3S. R2E. and Lots 3 and 4, Sec. 6, T4S. R1E. B. M.

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

RECORDED

That he intends to divert and convey said 38 inches second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:
by Canal or ditch as shown on enclosed map

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in 1/4 of 1/4 of Section , Township , Range , and thereafter conduct same to the above described land through the ditch, as per map appended.

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

No change in point of Diversion

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

James W Nettleton
Applicant.

Subscribed and sworn to before me this 17th day of December, 19 65

Walter C. Ford
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Castle Creek

Where is the diversion point located? NW1/4 Sec. 13, T4S. R1E. B. M.

Through what ditch is it now conducted? Applicants ditch as per map

How much land is now irrigated by the water sought to be transferred? 240 acres

Give the description: E1/2 of Lot 8, E1/4SE1/4 of Sec. 36, T3S. R1E. B. M.; E1/4NE1/4 Sec. 1, T4S. R1E; Lots 4 & 5 Sec. 31, T3S. R2E. & Lots 3 & 4 Sec. 6, T4S. R2E. B. M.

What is the total amount of water in inches, or second feet, dedicated to said land? 134 inches

What kind of crops are being raised? Pasture

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?

Will dry up and no crops

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

Through what ditch will it be conducted after transfer? Same ditch

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 270 inches, I think 1951----Snake River

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source 41 inches, 1874-1906-1908 Castle Creek

Signed

James W. Middleton

Applicant.

STATE OF IDAHO,

County of Cummins

ss.

I, Eva M. Johnston, Watermaster of Castle & Alder Creeks

Water District No. 14-A, County of Cummins, State of Idaho, whose postoffice address is Circum, Idaho, have read or heard read the foregoing affidavit and petition

of James W. Middleton, 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 Reclamation 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:

Watermaster, District No. 14-A

Eva M. Johnston

Dated at Circum, Idaho, this 17th day of December, 1965.

Name of Applicant

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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