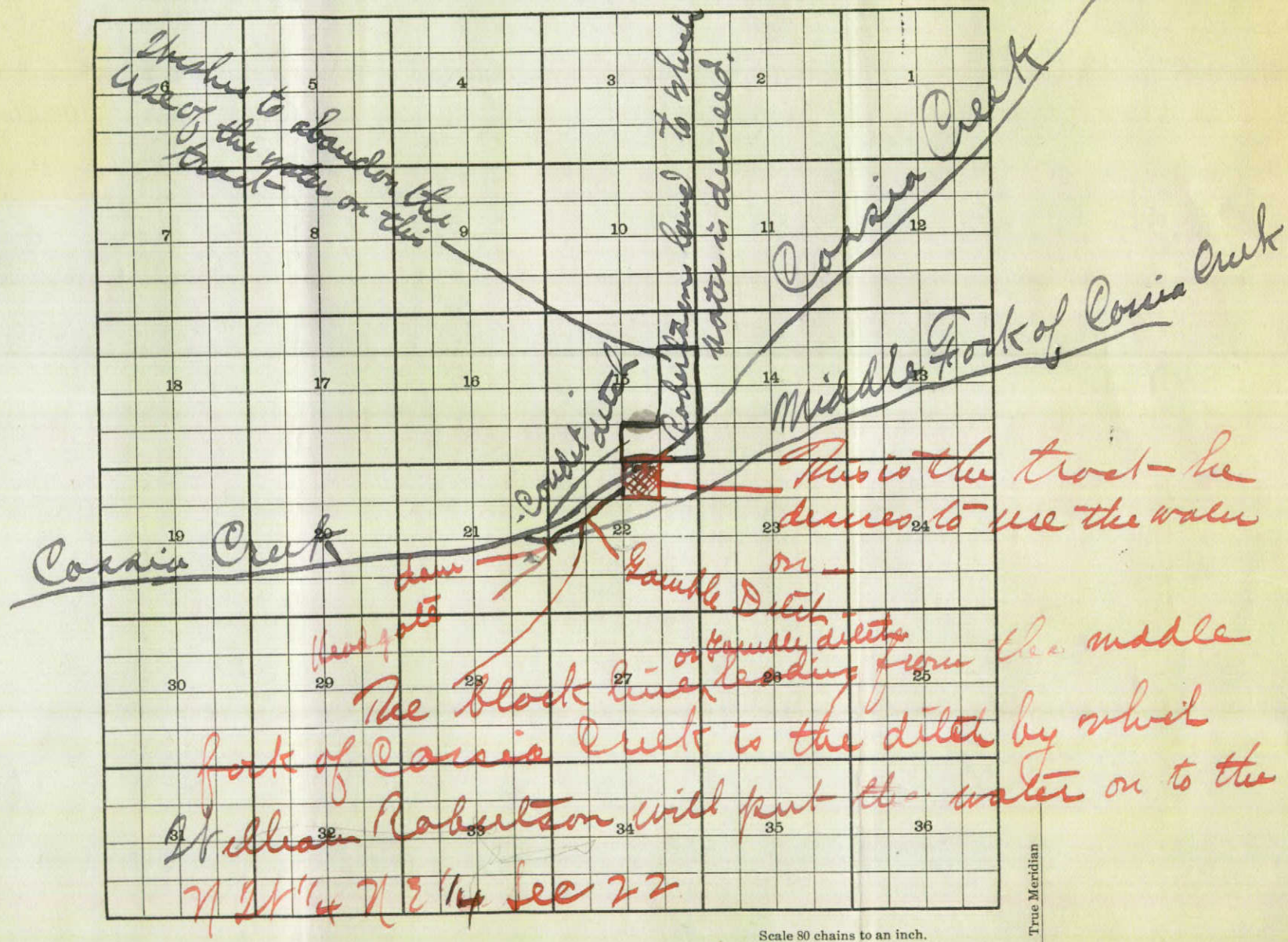


[4-590]

Township No. 13 South Range No. 26 E. B Mer.



superseded
Superseded by Albion Idaho Land Co.
US Jobe Adams

File 43-A-1

See Right no
43-0277

STATE OF IDAHO

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 98, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted William H. Robertson, of Malta, County of Cassia, State of Idaho, to transfer the use of forty (40) inches of the waters of CASSIA CREEK, County of Cassia, State of Idaho, from the land upon which it is now used, i.e., South half of Southeast quarter (S2 SE4), Northeast quarter of Southeast quarter (NE4 SE4) and Southeast quarter of Northeast quarter (SE4 NE4) of Section 15, Township 13 South, Range 26 East of Boise Meridian, to the following described tract, to-wit: Northwest quarter of Northeast quarter (NW4 NE4) Section 22, Township 13 South, Range 26 East of Boise Meridian.

The water right appurtenant to the above described land was adjudged by decree, dated March 13, 1909, of Edward A. Walters, Judge of the Fourth Judicial District of the State of Idaho, in and for Cassia County, in the matter of George M. Scott, et al, plaintiffs, vs. Andrew Glenn, et al, defendants, in the following words:

"IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

'That the plaintiff, W. H. Robertson, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.'

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Boise, Idaho, this nineteenth day of July, A.D. 1912.

(SEAL)

A. E. Robinson.

State Engineer.

MICROFILMED

SECOND DIVISION

JAMES McMILLAN, COMMISSIONER

TWIN FALLS, IDAHO

1910

Decreed Water Rights

CASSIA CREEK

IN THE DISTRICT COURT OF THE
FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO

IN AND FOR
CASSIA COUNTY

DECREE.

George M. Scott, Nevin Macfarland, H. E. Bigler, John Livingston, John Darrington, Joseph Udy, R. K. Lessey, B. O. Barker, S. H. Barker, W. J. Cole, A. Lounsbury, Charles Telfer, D. D. Whitaker, Thomas Taylor, Jr., Ephraim W. Bayliss, I. J. Neddo, E. P. Hall, Robert Hutchinson, T. R. Smith, L. M. Condit, J. S. Condit, M. C. Udy, A. Condit, W. H. Robertson, G. W. Shangles, Russell Hitt, Joseph S. Hutchinson, W. H. Parke,

Robert Wake, F. W. Parish, George S. Hadfield, David Hubbard, A. Condit, Jerusha L. Smith, James Hitt, Dee Keithley, J. W. Hepworth, O. L. Beecher, R. L. Rice, Sarah Gamble, and James M. Darby,

Plaintiffs,

vs.

Andrew Glenn, C. A. Brewerton, Henry Brewerton, R. H. Parish, C. F. Beecher, D. H. Ward, A. Taylor, A. F. Hoagland, David Ward, John Ottley, W. Rasmussen, Fred Ottley, Elizabeth Taylor, Cynthia Ward, Lucinda Beecher, E. F. Homer, Jr., Thomas Robinson, Orville Beecher, Ed. Conant, Frank Allen, William Robinson, E. Homer, James Glenn, John Boulware, Sarah Boulware, James Hitt, Jane Hitt, Charles S. Gamble, A. M. Beecher, Thomas Taylor, Sr., Hyrum Parke, Alonzo Parish, R. L. Rice, O. M. Olson, W. E. Perry, Apollis Taylor, Merritt Beecher, R. A. Beecher, O. F. Beecher, L. H. Sweetser, W. MacFarland, Solomon Woodland, A. Drabble, L. L. Howell, A. E. Bayliss, M. F. Kossman, Mrs. M. A. Parke, H. M. Condit, W. K. Rice, George Hepworth, William Horn, John Osterhout, Clarence Parke, A. J. Barker, Hugh Pettin-gill, Sweetser Company, a corporation as receiver of the bankrupt estate of L. H. Sweetser, and J. D. Doo-ley,

Defendants.

This cause having this day been brought on to be heard upon the complaint filed herein taken as confessed by the defendants, Andrew Glenn, C. A. Brewerton, Henry Brewerton, R. H. Parish, C. F. Beecher, David H. Ward, A. Taylor, A. F. Hoagland, David Ward, John Ottley, W. Rasmussen, Fred Ottley, Elizabeth Taylor, Cynthia Ward, Lucinda Beecher, E. F. Homer, Jr., Thomas Robinson, Ed. Conant, Frank Allen, William Robinson, E. Homer, James Glenn, John Boulware, Sarah Boulware, James Hitt, Jane Hitt, Charles S. Gamble, A. M. Beecher, Thomas Taylor, Sr., Hyrum Parke, Alonzo Parish, O. M. Olson, W. E.

Perry, Apolis Taylor, Merritt Beecher, R. A. Beecher, O. F. Beecher, L. H. Sweetser, W. MacFarland, Solomon Woodland, A. Drabble, L. L. Howell, A. E. Bayliss, M. F. Kossman, Mrs. M. A. Parke, H. M. Condit, W. K. Rice, George Hepworth, William Horn, John Osterhout, Clarence Parke, A. J. Barker, Hugh Pettingill, whose default for not answering thereto has been duly entered, and the Court having heard the evidence and the testimony of the witnesses and proofs offered upon said hearing, and being fully advised of the law and the facts in the premises, and having made and filed a finding of facts and conclusions of law and the decision thereon in writing, and having been duly rendered by the Court, which are now on file in this cause, wherein judgment was awarded in favor of the said plaintiffs against all of the defendants, it is ORDERED, ADJUDGED AND DECREED:

1. That the Plaintiff, George M. Scott, be and he is hereby awarded the use of the undecreed water herinafr stated from the waters of Cassia Creek in each year, to-wit: One hundred fifty-two inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

2. That the Plaintiff, Ephraim W. Bayliss, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

3. That the Plaintiff, I. J. Neddo, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred thirty inches of the water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

4. That the Plaintiff, E. P. Hall, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit:

Eighty inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

5. That the Plaintiff, Robert Hutchinson, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Eighty inches, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

6. That the Plaintiff, T. R. Smith, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Sixty inches of the water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

7. That the Plaintiff, L. M. Condit, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred inches of the water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

8. That the Plaintiff, J. S. Condit, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred twenty inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

9. That the Plaintiff, M. C. Udy, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred and sixty-seven inches of the water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

10. That the Plaintiff, A. Condit, be and he is hereby

awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Eighty inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

11. That the Plaintiff, W. H. Robertson, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

12. That the Plaintiff, G. W. Shangles, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Eighty inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

13. That the Plaintiff, Russell Hitt, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek, to-wit: Eighty inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

14. That the Plaintiff, Joseph H. Hutchinson, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Forty-five inches of water, measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

15. That the Plaintiff, W. H. Parke, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Seventy-five inches of water, to be measured under a four-inch pressure at the point of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

16. That the Plaintiff, Robert Wake, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred twenty inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

17. That the Plaintiff, F. W. Parish, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred thirty-eight inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

18. That the Plaintiff, Nevin Macfarland, be and he is hereby awarded the use of the undecreed waters hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred twenty inches of the water, to be measured under a four-inch pressure at the place of diversion for the lands described in the findings of fact, and said right to date from April 1st, 1894.

19. That the plaintiff, H. E. Bigler, be and he is hereby awarded the use of the undecreed waters hereinafter stated from the waters of Cassia Creek in each year, to-wit: Ninety inches of the water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

20. That the Plaintiff, John Livingston, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred and nineteen inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

21. That the Plaintiff, John Darrington, be and he is hereby awarded the use of the undecreed waters hereinafter stated from the waters of Cassia Creek in each year, to-wit: Seventy-nine inches of water, to be measured under a four-inch pressure at the place of diversion for the irriga-

tion of the lands described in the findings of fact, and said right to date from April 1st, 1894.

22. That the Plaintiff, Joseph Udy, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred sixty-four and one-half inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

23. That the Defendant, R. K. Lessey, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Twenty-four inches, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, to date from April 1st, 1894.

24. That the Plaintiff, B. O. Barker, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

25. That the Plaintiff, S. H. Barker, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred ten inches, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

26. That the Plaintiff, W. J. Cole, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Forty-five inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

27. That the Plaintiff, A. Lounsbury, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred forty inches of the water, to be measured under a

four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

28. That the Plaintiff, Charles Telfer, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred ninety inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

29. That the Plaintiff, E. D. Whitaker, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: One hundred thirty-five inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

30. That the Plaintiff, Thomas Taylor, Jr., be and he is hereby awarded the use of the undecreed waters hereinafter stated from the waters of Cassia Creek in each year, to-wit: Three hundred seventeen and one-half inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

31. That the Plaintiff, George S. Hadfield, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Two hundred inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

32. That the Plaintiff, David Hubbard, be and he is hereby awarded the use of the undecreed waters hereinafter stated from the waters of Cassia Creek in each year, to-wit: Sixty-four inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

33. That the Plaintiff, O. L. Beecher, be and he is hereby awarded the use of the undecreed water hereinafter stated

from the waters of Cassia Creek in each year, to-wit: One hundred fifty-four inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

34. That the Plaintiff, R. L. Rice, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Forty-three inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

35. That the Plaintiff, Jerrusha L. Smith, be and she is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Fifty-five inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

36. That the Plaintiff, James M. Darby, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of Cassia Creek in each year, to-wit: Forty-five inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

37. That the Plaintiff, James Hitt, be and he is hereby awarded the use of the undecreed water herein after stated from the waters of Cassia Creek in each year, to-wit: One hundred inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

38. That the Plaintiff, Sarah Gamble, be and she is hereby awarded the use of the undecreed water hereinafter stated from the waters of said Cassia Creek in each year, to-wit: Fifty-five inches of water, to be measured under a four-inch pressure at the point of diversion for the irrigation of the lands described in the findings of fact, and said right to date from April 1st, 1894.

39. That the Plaintiff, L. A. Condit, be and he is hereby

awarded the use of the undecreed waters hereinafter stated from the waters of said Cassia Creek in each year, to-wit: One hundred and twenty inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from May 1st, 1906.

40. That the Plaintiff, J. W. Hepworth, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of said Cassia Creek in each year, to-wit: One hundred and sixty inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from May 29th, 1907.

41. That the Plaintiff, Dee Keithley, be and he is hereby awarded the use of the undecreed water hereinafter stated from the waters of said Cassia Creek in each year, to-wit: One hundred and sixty inches of water, to be measured under a four-inch pressure at the place of diversion for the irrigation of the lands described in the findings of fact, and said right to date from October 1st, 1905.

That the irrigation season is held to begin on the first day of April and to end on the first day of October, at which date all water is to be turned into the main river, except as may be directed and determined to be necessary by the water master for domestic and stock purposes.

That each appropriator under and by virtue of this decree is hereby required, as far as practicable, to measure the water herein awarded to him according to the decree heretofore rendered in the action of James M. Darby et al. vs. E. D. Jones et al.

It is further considered, ordered, adjudged and decreed that when the waters appropriated are not needed for useful and beneficial purposes all water shall be turned into the stream and allowed to go down to the next appropriators needing it.

It is further considered, ordered and adjudged and decreed, that at the close of the irrigating season on October the first of each year, the water master shall visit all head-gates and shall so arrange and fix them as to give to each ditch such amount of water as in his judgment the appropriators using therefrom actually require for domestic and

stock purposes during the winter, but each appropriator may take water earlier in the spring for irrigation than April 1st if he so desires.

It is further ordered, adjudged and decreed that each of the appropriators take the water in the order and at the dates of their said claims; that each is entitled to the whole of his appropriation before any subsequent appropriator is entitled to any; and that appropriators upon the same date and of consequent and equal dignity take as tenants in common in proportion to the amount of water awarded to each.

It is further ordered, adjudged and decreed that the clerk's costs and disbursements in this case shall be paid by each party in proportion to the amount of water in which he is adjudged to receive by virtue of this decree.

It is further ordered, adjudged and decreed that each party pay his own witnesses' and attorney's and sheriff's fees and none shall have the right to tax the costs against another.

EDWARD A. WALTERS, *Judge.*

Dated this 13th day of March, 1909.

Filed March 13, 1909.

STATE OF IDAHO, }
County of Cassia, } ss.

I, Joseph Y. Haight, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for Cassia County, do hereby certify that the foregoing is a full, true and correct copy of the decree in an action entitled George M. Scott et al., Plaintiffs, and Andrew Glenn et al., Defendants, the original of which is now on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said court, at Albion, Idaho, this 10th day of June, A. D. 1910.

(Seal)

JOS. Y. HAIGHT,
Clerk of the District Court.

July 23, 1912.

Re transfer

William H. Robertson,
Malta, Idaho

Sir:-

I am inclosing you herewith certificate
of transfer of water right, together with
receipt for fee.

Very truly yours,

State Engineer.

CT98-R4656

By...

MICROFILMED

RAVENEL MACBETH,
WATER COMMISSIONER
2ND DIVISION.
MACKAY, IDAHO.

7/12/12.

Hon. A. E. Robinson, State Engineer, Boise, Ida.

RECEIVED
JUL 12 1912
OFFICE OF STATE ENGINEER

Dear Sir: Enclosed find application for transfer water right, W. A. Robertson, Malta, Idaho, completed.

Very truly,
Ravenel Macbeth.

Malta Idols
6/27/12

A. E. Robinson
State Engineer
Baie Idols

Dear Sir:

I herewith return to you application for transfer by William H. Robertson to his son Claude J. Robertson — also proof of publication of such transfer. No one entered a protest to said transfer either on the day and date set — or before or after said date, but any one enter a protest to the proposed transfer.

It will be necessary, will it not, for William H. Robertson to give his son Claude J. Robertson, who made final proof on his 40 acres desert entry, recently, a deed ~~of~~ to the 40 inches of water?

Thanking you in advance for the information desired, I beg to remain
Very Respectfully
W. R. Stevens
U. S. Commissioner

July 1, 1912.

Re transfer of water right

Hon. Ravenel Macbeth,
Water Commissioner,
Mackay, Idaho.

Sir:-

I am enclosing you herewith the application for transfer of Wm. H. Robertson, together with letter from W. R. Stevens, U.S. Commissioner at Malta. As your recommendation has not been filled out, I take it the matter was not brought to your attention and I am therefore, sending the application to you for further information in regard to same.

Very truly yours,

State Engineer.

App.Tr.-J

By..

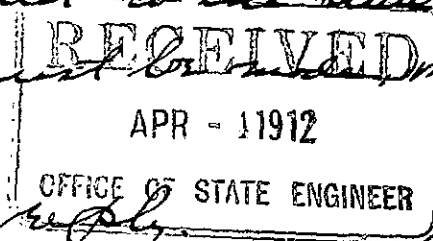
RECEIVED
JUL 1 1912

Naf Idols
4/1/12

A. E. Robinson
State Engineer
Baie Idols

Dear Sir:

There is a party whose permit called for a proof of the application ~~of~~ to beneficial use a certain amount of water—proof should have been made March 29th 1912. He did not make such proof. How long can he wait and yet have the right to make proof of the beneficial use of the amount stated in his permit? In other words, does there come a time when his right to make such is lost? If there is a limit to the time in which proof for beneficial use must be made, what is the limit?



Thanking you for an early reply.

Very Respectfully
W. R. Stevens.

P.S.

Enclosed you will find check for \$1.00, which I forgot to enclose with William H. Roberts's application for a transfer of 40 inches of water.

W. R. S.

April 3, 1912.

Re transfer-Wm.H.Robertson

W. R. Stevens,
U. S. Commissioner,
Malta, Idaho.

Sir:-

I have today sent the application of W. H. Robertson for transfer of water right to Hon. Ravenel Macbeth, Water Commissioner of the 2nd Division, at Mackay, who will communicate with you relative to the date and place for hearing.

Very truly yours,

State Engineer.

By...

April 3, 1912.

Re transfer

Hon. Ravenel Macbeth,
Water Commissioner,
Mackay, Idaho.

Sir:-

I am inclosing you herewith application of
William H. Robertson for transfer of water right.
You will please communicate with W. R. Stevens, U.S.
Commissioner, at Malta, relative to the date and place
for the hearing.

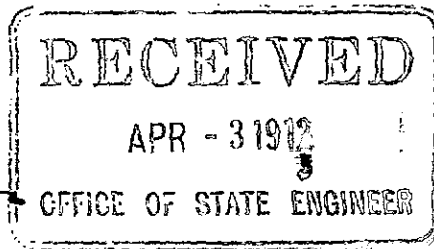
Very truly yours,

App.Tr.

State Engineer.

By...

RECEIVED
APR 11 1912
STATE ENGINEER



Malta Idaho
3/30/12

A. E. Robinson
State Engineer
Boise Idaho

Dear Sir:

Enclosed you will find an Application for Transfer of Water right by William H. Robertson who has decreed water from Cassia Creek both an early and a late ~~decree~~ decree.

It will you kindly send me any other blanks that are necessary to be filled out in connection herewith as I have no supply. This forty acres he is abandoning he expects to give to his son to be applied on the tract mentioned in the transfer and with which he expects to make final proof on his desert land entry. Please send me what papers are necessary to make the transfer complete.

Very Respectfully
W. R. Stevens

AFFIDAVIT of PUBLICATION

STATE OF IDAHO,

COUNTY OF CASSIA.

SS.

NOTICE

OF PROPOSED TRANSFER OF WATER RIGHT.

Notice is hereby given that William H. Robertson of Malta, Idaho, has applied to the State Engineer of the state of Idaho for a certificate authorizing him to transfer the use of forty inches of the water of Cassia Creek, from the land on which it is now used, i. e. S $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 15 twp. 13 S. R. 26 E. B. M., to the following described tract: NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 22, twp. 13 S. R. 26 E. B. M.

And that on the 30th day of May, A. D. 1912 at Malta, Idaho, before the water commissioner of this division, or his authorized agent, W. R. Stevens, U. S. Commissioner, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

Full details of the proposed transfer may be obtained from Robert Glenn, watermaster of said stream.

26-30

RAVENEL MACBETH,
Water Commissioner 2nd Div.

I, J. R. Brinton Publisher Foreman, of the Albion Nugget, a weekly newspaper of general circulation, published once each week at Albion, Cassia County, Idaho, do solemnly swear that a copy of the notice attached hereto and which is made a part of this affidavit, and a ~~part of the proof of publication~~, was published in said newspaper for five consecutive weeks, commencing with the issue dated April 29, 1912, and ending with the issue dated May 27, 1912, that said notice was published in the regular and entire issue of every number and not in any supplement thereof, and that said newspaper has been published for more than fifty-two consecutive weeks prior to date of first publication of said notice.

Subscribed and sworn to before me

this 27 day of May, 1912
Ben H. Brown
Notary Public, Cassia County, Idaho.
My Commission expires Sept 16/13

Application for Transfer of Water Right.

RECEIVED

APR - 3 1912

OFFICE OF STATE ENGINEER

State of Idaho, }
County of Cassia } ss.William H. Robertson, being first duly sworn, deposes and says:That his name is William H. Robertson; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address isMalta Cassia Co IdahoThat he is the owner and using a certain water right of Decreed Water of the waters of Cassia CreekCounty of Cassia, State of Idaho, decreed to himby decree of Judge Malta, of theFourth Judicial District of the State of Idaho, in and for the County ofCassia, in the case of Suit brought throughvs. they secured their 1894 decrees. said decree bearing date of 1894

(or obtained by virtue of License No. _____, issued by the State Engineer

of the State of Idaho, dated _____), for the purpose of irrigating the

following described lands situate, lying and being in the County of Cassia andState of Idaho, to wit: SE 1/4 NE 1/4, NE 1/4 SE 1/4 andSE 1/4 NE 1/4 Sec. 15, Twp. 13 S. R. 26 E. B. M.William H. Robertson is the person (or the representative of the cor-

poration) to whom such right so issued, or has become the owner thereof in the following manner, i. e.

By decree of court -

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream at _____

and conducted to the above described lands through The Sauble Ditch

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

That affiant and petitioner desires to abandon the use of Fourty

of said water upon the above described land, and to convey and use same upon the following tract, sit-

uate, lying and being in the County of Cassia and State of Idaho, towit: NE 1/4 NE 1/4 Sec. 22, Twp. 13 SouthRange 26 E. B. M.

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

That he does not need water on the
SE 1/4 NE 1/4 Sec. 15, said Twp. and Range. This
tract he does not care to farm as he is not
the man for farming and don't intend to irrigate it as the
ground grows well without irrigation.

MICROFILMED

That he intends to divert and convey said Forty inches of water to the tract of land last above described in the following manner, to wit: The said forty inches of water will be taken out of the Middle Fork of Cassia Creek and through the Gamble ditch to the N 24 1/4 1/4 E 1/4 Sec 22 - T 8 S 13 E Range 26 E B M

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of this Division, in accordance with the provisions of Section 11, House Bill No. 14 of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Subscribed and sworn to before me this

A. D. 1902

My Commission Expires Jan 11th 1915.

William H. Robertson

28th day of March

W. P. Stevens
Notary Public

State of Idaho,

County of Cassia

} ss.

O. J. Gamble &

and

Leon A. Condit

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 Malta Idaho that he is a user of water from Cassia Creek, County of Cassia,

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

William H. Robertson,

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

A. D. 1902

My Commission Expires Jan 11th 1915.

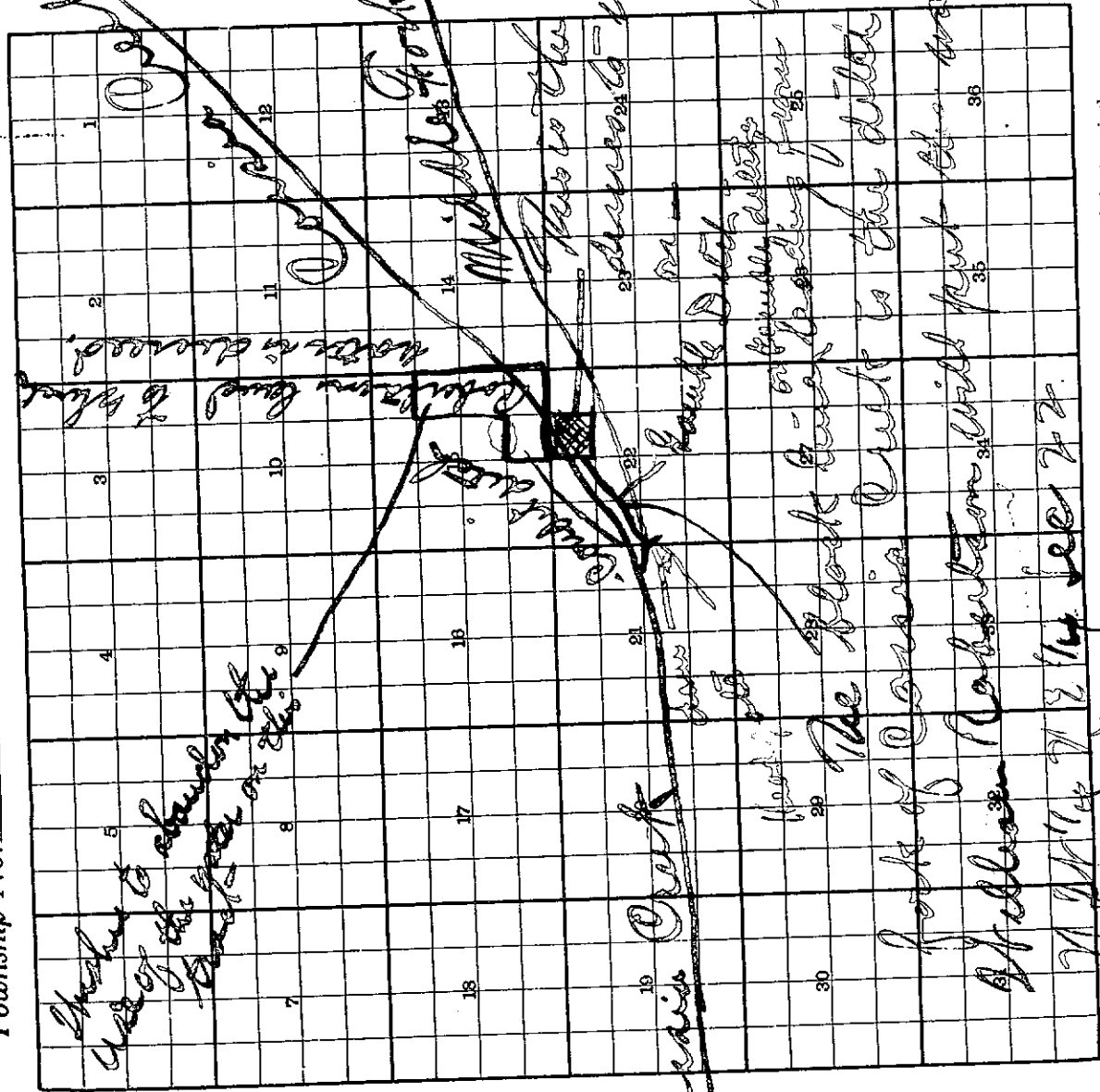
O. J. Gamble &
L. A. Condit

28th day of March

W. P. Stevens
Notary Public

[4-590]

Township No. 13 South Range No. 26 E. 13 Mer.



Scale 80 chains to an inch.

State of Idaho,

County of

Cassia

ss.

I,

Albert J. Peterson

Watermaster of

Cassia Creek

County of

Cassia

State of Idaho, whose postoffice address is

Malta

Idaho

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

William H. Robertson

, 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 au-

thorized; and I hereby endorse my approval of said petition, and request that the State Engineer

issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Albert J. Peterson
Watermaster.

Malta Idaho
July 9, 1912

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

W. H. Robertson

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

authorizing the transfer of water as set forth in his affidavit and petition herein, and an opportunity

having been given to any and all persons opposing said transfer to present their objections in a public

hearing before me at

Malta Idaho

, on

May 7, 1912

the terms of said notice;

And it not appearing at said hearing that any one would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said applicant, authorizing the transfer as prayed for in his petition; ~~or (and it appearing at said hearing~~

~~that the following injuries would be sustained by others if such transfer is permitted~~

I hereby recommend that the State Engineer do ~~not~~ issue the certificate authorizing the transfer sought hereinabove.

Harold Macbeth

Commissioner of Water Division No. 2

By

No.

APPLICATION FOR TRANSFER
OF WATER RIGHT.

From

To

Stream

County Applicant.

Received

Approved

Certificate No. issued.

Book of Transfers, at page and recorded in