

No Color
Documents
In File

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Goff, Frank	1.6		43-0120
698	Hawkins, Ervin T. & Stewart, W. H.	1.6	0	43-0120A

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COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

ERVIN T. HAWKINS AND
W. H. STEWART,
of Logan, Utah

For a Transfer of Water Right,
in Water District No. 8, B, Cassia County

ORDER GRANTING TRANSFER

No. 698

WHEREAS, On the 6th day of September, 1946, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Ervin T. Hawkins and W. H. Stewart, of Logan, Utah, 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 HAD BEEN FILED against the application, and the evidence filed by the applicants, with the application, shows that a more beneficial use of the water would thus be obtained, and that no one would 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 3rd day of October, A. D. 1946.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

RECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 698

THIS IS TO CERTIFY THAT ERVIN T. HAWKINS AND W. H. STEWART, of Logan, Utah, are the owners of and using a certain water right for 1.6 cubic feet per second of the waters of Raft River, bearing date of priority of November 20, 1913, said water being decreed to Frank Coff and Mrs. Frank Coff, by Judge Charles C. Cavanah, of the District Court of the United States for the District of Idaho, Southern Division, in the case of

ALBION-IDAHO LAND COMPANY,

Plaintiff,

vs.

JOSE ADAMS, ET AL.,

Defendants,

said decree bearing date of October 18, 1928, and being appurtenant to the following described lands, to-wit:

NW $\frac{1}{4}$ Section 33, Township 15 South,
Range 26 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Decrees, at Page 324.

That said Ervin T. Hawkins and W. H. Stewart have become the owners of said water right through purchase.

And that now, upon the application of Ervin T. Hawkins and W. H. Stewart, of Logan, Utah, for the transfer of 1.6 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.6 cubic feet per second of the waters of Raft River upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this Certificate, for irrigation and domestic purposes, are described as follows, to-wit:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34;
and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27; all in Twp. 15 South,
Range 26 East, B. M.

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

1.6 cubic feet per second, bearing date
of priority of November 20, 1913.

That the water right hereby transferred has heretofore been conducted from Raft River to the first above described lands, through a private ditch, with point of diversion in the Northwest corner of Section 5, Township 16 South, Range 26 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through a private ditch, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, Township 15 South, Range 25 East, B.M.

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 3rd day of October, A. D. 1946.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer



UNITED STATES DISTRICT COURT OF THE UNITED STATES FOR THE
SOUTHERN DIVISION.

ALBION-IDAHO LAND COMPANY,
a corporation,

Plaintiff.

-VS-

JOBE ADAMS, et al.

Defendants.

#997
DECREE #99

WHEREAS, on the 17th day of May, 1922, the said
Idaho Land Company duly filed its complaint in equity
entitled court, which said cause was entitled the Albion
Company, a corporation, complainant versus Jobe Adams &
others as defendants, and

WHEREAS, by order of the Court duly made and entered
of said cause was designated as Albion-Idaho Land Company v.
Jobe Adams, et al. and was docketed and all proceedings were
under said title, and

WHEREAS, on the said 22nd day of May, 1922, the said
complainant caused to be filed with the Clerk of the United
District Court for said District its lis pendens, and caused
same to be thereafter, on the 30th day of June, 1922, to be
filed of record with the County Recorder of Cassia County,
and said lis pendens was on said day duly recorded in Book
lis pendens on pages 211-2-3-4 of the records of said Court

WHEREAS, thereafter due and regular service of summons
made upon all parties mentioned in said complaint, either
or by due publication as shown by the records and files of
action, and

WHEREAS, the following named defendants, Jobe Adams, J.
Adams, wife of Jobe Adams, Myrum Andrews, Virginia Andrew
Bateman, Ella Bateman, Harry Branscom, Peggie Branscom,
Boulware, Henry B. Bigler, Mary Ann Bigler, Omer W. J.
Omer W. Ball, James Badger, Lillian Badger, Max C. J.

Charles Gamble, Jr.
and Chrissy Gamble

1881-May 31st 0442 .9 s.f. 080
1882-Apr. 1st 0443 .3 s.f. 080
1885-Apr. 30th 0444 .6 s.f. 080
1894-Apr. 1st 0445 1.1 s.f. 080

To be diverted from Cassia Creek
for the irrigation of
NW¹/₄, Sec. 22, Twp. 13 S. R. 26
E.B.M.

Louis J. Gunnell

1882-Jan. 2nd 0446 2 s.f. 080

To be diverted from Clear Creek
for the irrigation of
E¹/₂NW¹/₄ and W¹/₂NE¹/₄, Sec. 29, Twp. 15
S. R. 27 E.B.M.

1894-Jan. 31st 0447 2 s.f. 080

To be diverted from Clear Creek
for the irrigation of
E¹/₂SW¹/₄, W¹/₂SE¹/₄, Sec. 20, Twp. 15
S. R. 27 E.B.M.

1894-June 1st 0448 2.8 s.f. 080

To be diverted from Clear Creek
for the irrigation of
S¹/₂NW¹/₄ and W¹/₂SW¹/₄, Sec. 20, Twp.
15 S. R. 27 E.B.M.

Sarah H. Gunnell

1914-Apr. 10th 0449 1.6 s.f. 080

To be diverted from Clear Creek
for the irrigation of
SW¹/₄SE¹/₄, Sec. 17, NW¹/₄NW¹/₄, Sec. 20,
Twp. 15 S. R. 27 E.B.M.

Frank Goff and Mrs.
Frank Goff

1913-Nov. 20th 0450 1.6 s.f. 080
Trans #698

To be diverted from Raft River
for the irrigation of
NW¹/₄, Sec. 33, Twp. 15 S. R. 26
E.B.M.

L. P. Hall and Charlotte
Hall

1894-Apr. 1st 0451 1.6 s.f. 080
1904-Apr. 1st 0452 1.2 s.f. 080

To be diverted from Cassia Creek
for the irrigation of NE¹/₄ SE¹/₄
NE¹/₄SW¹/₄, NW¹/₄SE¹/₄, Sec. 14, Twp. 13
S. R. 26 E.B.M.

Joseph Harper
Sarah Harper

1907-May 29th 0453 3.2 s.f. 080

To be diverted from Cassia Creek
for the irrigation of
NW¹/₄NE¹/₄, NE¹/₄NW¹/₄, Sec. 24, Twp. 13
S. R. 26 E.B.M., and S¹/₂SW¹/₄, Sec.
13, Twp. 13 S. R. 26 E.B.M.

Wella Hadfield

Synthia Hadfield

1880-Apr. 1st 0454 1.4 s.f. 080

1883-Apr. 1st 0455 .1 s.f. 080

1884-Apr. 1st 0456 1.4 s.f. 080

1894-Apr. 1st 0457 4.0 s.f. 080

To be diverted from Cassia Creek
for the irrigation of
S¹/₂NE¹/₄, Sec. 6, Twp. 14 S. R. 25
E.B.M.

See commencing decree

RECORDED

October 4, 1946

Mr. Ervin T. Hawkins
P. O. Box 507
Logan, Utah

Dear Mr. Hawkins:

We enclose herewith Certificates of Transferred Water Right No. 697 in your own name, and No. 698 in the name of yourself and W. H. Stewart; also Departmental Receipt No. 19652 for the \$2.00 fee paid by you for recording same.

A copy of these certificates is being sent to Mr. Edwin H. Paskett, Watermaster of Water District No. 8-B, for his information.

We are sorry that these certificates were not sent you sooner, as no doubt your failure to receive them has caused some misunderstanding on your part, in view of your letter and telephone conversation of October 3rd.

Since you have the original certificates enclosed herein, we are not sure whether or not you will require certified copies. We are, therefore returning your check for \$3.00 in payment for same. However, if you still desire certified copies, we can furnish them, and you may return the check.

Although a transfer of decreed water becomes supplementary to the decree, our practice has been to record the transfers only in this Department.

Very truly yours,

A
Encl.
CC to Edwin H. Paskett

MARK H. KULP
State Reclamation Engineer

RECORDED

Notice of Proposed Transfer of Water Right

Notice is hereby given that Ervin F. Hawkins and W. H. Stewart
of Logan, Utah have, ~~has~~ applied to the
State Reclamation Engineer of the State of Idaho for a certificate authorizing him to transfer the use of
1.6 cubic feet per second
of the water of Raft River
from the land upon which it is now used, i. e., NW $\frac{1}{4}$ Section 33, Twp. 15 South, Range 26 East, B.M.
to the following described tract NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, and 9 $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27,
Twp. 15 South, Range 26 East, B.M.

And that, on the 6th day of September, A. D., 19 46
at 10:00 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 A. KULP

State Reclamation Engineer.

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Ervin F. Hawkins and W. H. Stewart of Logan, Utah, have applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to transfer the use of 1.6 cubic feet per second of the water of Raft River from the land upon which it is now used, i. e., NW $\frac{1}{4}$ Section 33, Twp. 15 South, Range 26 East, B.M. to the following described tract NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, Twp. 15 South, Range 26 East, B.M.

And that, on the 6th day of September, A. D., 1946 at 10:00 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
First publication August 22, 1946
Second publication August 29, 1946

Affidavit of Publication

I, Charles Brown, being first duly sworn on oath, say:

That I am the publisher and printer of THE OAKLEY HERALD, which is a newspaper of general circulation in Cassia County, Idaho, and which has been continuously and uninterruptedly published at said place during a period of more than 78 consecutive weeks prior to the final publication of the notice

herein mentioned; that a notice

of which the attached clipping is a copy, was published in the regular issue of said newspaper for 2 consecutive weeks, to-wit, on

August 22,

August 29,

19 46

Charles Brown.

Subscribed and sworn to before me this 31st

day of August, 19 46.

CG Larson
Notary Public.

Notary Public in and for the State of Idaho
Residing in Oakley, Cassia County, Idaho.
My Commission expires Dec. 25, 1948.

MICROFILMED

RECEIVED
SEP 9 1946
Department of Reclamation



**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Ervin T. Hawkins of Logan, Utah, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to transfer

the use of 2.33 cubic feet per second of the water of Raft River from the land upon which it is now used, i. e., NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, Twp. 15 South, Range 26 East, B. M. Lot 1 Section 19, and Lot 4 Section 18, Twp. 15 South, Range 27 East, B.M. to the following described tract SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19, Twp. 15 South, Range 27 East, B.M.

And that, on the 6th day of September, A. D., 1946 at 10:00 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
First publication August 22, 1946
Second publication August 29, 1946

Application for Transfer of Water Right

STATE OF IDAHO, UTAH

County of Cache

ss.

Ervin T. Hawkins and W. H. Stewart, each, being first duly sworn, deposes and says:
 their are

That his names are Ervin T. Hawkins and W. H. Stewart, each of lawful age, a citizen of the United States and of the State of Idaho, and that their postoffice addresses are Ervin T. Hawkins,

235 North 1st East, Logan, Utah; W. H. Stewart, 235 South 1st East, Logan, Utah.

That he is the owner and using a certain water right, bearing date of priority of November 20, 1913, for 1.6 cubic feet per second of the waters of Raft River

County of Cassia, State of Idaho, decreed to Frank Goff and Mrs. Frank Goff

by decree of Judge Charles C. Cavanaugh of the District Court of the United States for the District of Idaho, Southern Division, Idaho, in and for the County of xxxxxxxxxxxxxxxx, in the case of Albion Idaho Land Co., a corp

vs. Jobe Adams, et al., said decree bearing date of Oct. 18, 1928. Said decree has been entered in the records of the Department of Reclamation (obtained by virtue of License No. xxxxxxxxxxxxxxxx issued by the State Engineer or the Commissioner of the State of Idaho, Reclamation of the State of Idaho, dated xxxxxxxxxxxxxxxx, bearing date of priority

of xxxxxxxxxxxxxxxx (19xx) for the purpose of irrigating the following described lands situate, lying

and being in water District No. 8B in the County of Cassia and State of Idaho, to-wit:

NW $\frac{1}{4}$ Sec. 33, Twp. 15 S., R. 26 E.B.M.

and is the person (or representative of

and they have

the corporation to whom such right was issued, or has become the owner thereof in the following manner, i. e. By warranty deed from I. Frank Goff and Mrs. Frank Goff, to whom said water was decreed, to affiants; said deed is dated 12/23/43 and filed for record in the office of the County Recorder of Cassia County on Dec. 24, 1943 and thereafter recorded in Book 48 of Deeds at page 460 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 Northwest corner of Section 5, Township 15, Range 26 E., B. M., and conducted to the above described lands through a private ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.6 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 Cassia and State of Idaho, to-wit:

80 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34; S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 27, Twp. 15 S., Range 26 E.B.M.

That his reasons for desiring to make such transfer are as follows: More beneficial use of water can be made

That he intends to divert and convey said 1.6 second feet of water to the tract of land last above described in the following manner, to-wit: Old open private irrigation ditch

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.

W. Stewart
Applicant's

Subscribed and sworn to before me this 30 day of August

A. D. 1946

My com. exp. 46/47

L. M. Curry Notary Public.
Residing at Logan, Utah

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water now diverted? Haft River

Where is the diversion point now located? NW corner Sec. 5, Twp. 16 S., R. 26 E. B.M.

Through what ditch is it now conducted? Private ditch

How much land is now irrigated by the water sought to be transferred? 80 acres

Give the description: NW 1/4 Sec. 33, Twp. 15 S. Range 26 E. B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 1.6 s.f.

What kind of crops are being raised? Grain

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

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

It will be used for dry farming

Give location of new point of diversion, if change is to be made. NW 1/4 NE 1/4 Sec. 33, Twp. 15 S. R. 26 E. B.M.

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

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

one inch per acre

Do you claim any other water right for the land from which you seek to abandon the use of this water? NO

If so, give amount, date and source

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. None

Signed L. M. Curry Applicant.

Signed W. Stewart Applicant.

STATE OF ~~IDAHO~~ *Utah*
County of *Cassia* } ss.

Leonard Newbold and Wallace Newbold
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 Bridge, Idaho, ...
that he is a user of water from Raft River in Water District No. 8-B
County of Cassia State of Idaho; that he has read or heard read the foregoing affidavit and
petition of Ervin T. Hawkins & W. H. Stewart 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 re-
lated 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.

Leonard Newbold
Wallace Newbold

Subscribed and sworn to before me this *6th* day of *August*

A. D. 19*46*.

My commission
Exp. Mar. 14th 1947

W. H. Stewart, Notary Public
Logan, Utah

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

I, *Edwin H. Paskitt* Watermaster of *Raft River*
Water District No. *8-B* County of *Cassia* State of Idaho, whose postoffice address
is *Malta, Idaho* have read or heard read the foregoing affidavit and petition
of *Ervin T. Hawkins & W. H. Stewart* 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: *I believe that this will in no*
way injure the rights of other water users
on Raft River and recommend that approval
be made

Edwin H. Paskitt Watermaster Dist. No. *8-B*

Dated at *Malta* Idaho, this *6th* day of *August* 19*46*

MICROFILMED

NORTH

