

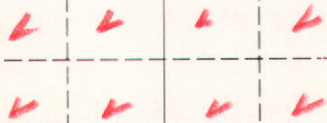
M 36 E

M 37 E

13

18

17 Pt of Diversion



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

UNRECORDED

CAMPS CREEK
LOSS MEASUREMENT #6

LJ-200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date Sept 2, 1970 DISCHARGE MEASUREMENT NOTES
Campos Creek
Jones & LaRue Diversion River at Middle Diversion West side

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
	1.70	.75	0								3
	3.20	1.25	.86		10	40	.570		1.08	.67	
	4.20	1.90	1.15		5	45	.264		2.19	.58	
	7.00	2.90	1.35		25	42	1.83		3.92	5.21	
	10.00	3.00	1.40		25	45	1.24		4.20	5.21	
	13.00	3.00	1.00		20	45	.998		3.00	2.99	
	16.00	3.00	.52		25	41	1.36		1.56	2.12	
	19.00	3.00	.54		20	41	1.09		1.67	1.76	
	22.0	3.00	1.10		15	54	1.631		3.30	2.08	
	25.0	3.00	1.55		10	46	.498		4.65	2.32	
	28.0	2.50	.90		7	51	.322	.322	2.25	.73	
	30.0	1.1	.50		5	61	.200		.55	.11	
	30.2	.1									
											23.73
	28.5	28.5									

RECEIVED

~~31-0004~~
31-0238

February 16, 1972

CERTIFIED MAIL

#23363

Re: Transfers of Water Right No. 31-0003 & 31-0004

Laird & Jones, Inc.
Dubois,
Idaho 83423

Gentlemen:

Enclosed please find an Order which rescinds the approval of the above referenced transfers of water right and approves said transfers subject to conditions of approval, of which please take note.

We are also enclosing departmental receipt No. 4065 in the amount of \$40.00 covering the filing fees for the above-numbered transfers.

If you have any questions regarding this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Order
Receipt #4065

bc: Eastern District Office

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Transfers of Water)
Right No. 31-0003 and 31-0004 in the name) ORDER
of LAIRD & JONES, INC.)
_____)

WHEREAS, on July 29, 1971, the above-numbered transfers of water right were approved by the Department of Water Administration; and,

WHEREAS, the Department failed to enter, as a part of the approval of the transfers, the conveyance losses of twenty-three (23) per cent as agreed to by the applicant and protestants; and,

WHEREAS, on September 24, 1971, the Department requested that Laird & Jones, Inc. return their approved copies of the above-numbered transfers for correction; and,

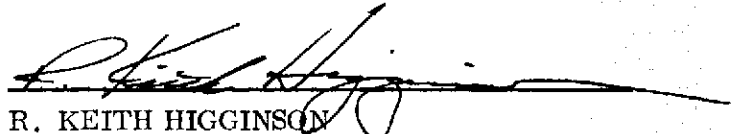
WHEREAS, the Department has not received the approved copies for correction;

IT IS, THEREFORE, HEREBY ORDERED that the approval of Transfers of Water Right No. 31-0003 and 31-0004 dated July 29, 1971, be RESCINDED.

IT IS FURTHER ORDERED that the above-numbered transfers be APPROVED subject to the following conditions:

1. That an adequate measuring device of a type approved by the Department of Water Administration be permanently installed and maintained as part of the diverting works.
2. That the quantity of water diverted at the new points of diversion be reduced by twenty-three (23) per cent. The quantity of water diverted shall not exceed 1.92 cfs under 31-0003 and 2.46 cfs under 31-0004.

Dated this 14 day of February, 1972.


R. KEITH HIGGINSON
Director

RECEIVED
FEB 22 1972
DEPT. OF WATER ADMIN.
BOISE, IDAHO

For Department Use Only

Received by *ej* Date *1-13-70*

Prelim. check by *Devi* Date *1-13-70*

Fee Received by *ej* Date *1-14-70* Fees \$ *20.00*

Approved for publication by *[Signature]*

Published in *Clark County Enterprise* Dates *1-22 & 29*

Hearing held *6-10-70*

Protest filed by:

Date

 See protests

Acct # 4065

Identification No. 31-0238
31-0004
Transfer No. 1629

APPROVED **STATE OF IDAHO**
DEPARTMENT OF RECLAMATION

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

1. Name of Right Holder LAIRD & JONES, INC., a corporation.
Post office address Dubois, Idaho 83423
2. Right obtained by:
a. Decree to State of Idaho in Case of Sauve
(Name)
vs. Abbott, Dated _____ in U.S. District Court for District
(Name of Court)
Eastern Division of Idaho, Eastern Division
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Camas Creek tributary to Mud Lake
(Name of stream or source)
4. Date of Priority May 15, 1888 ✓
5. Amount of water a. 3.2 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from April 15 to November 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is SE 1/4 NE 1/4 of Section 7,
Township 12 North, Range 39 East, B.M., in Clark County;
Additional points of diversion, if any _____

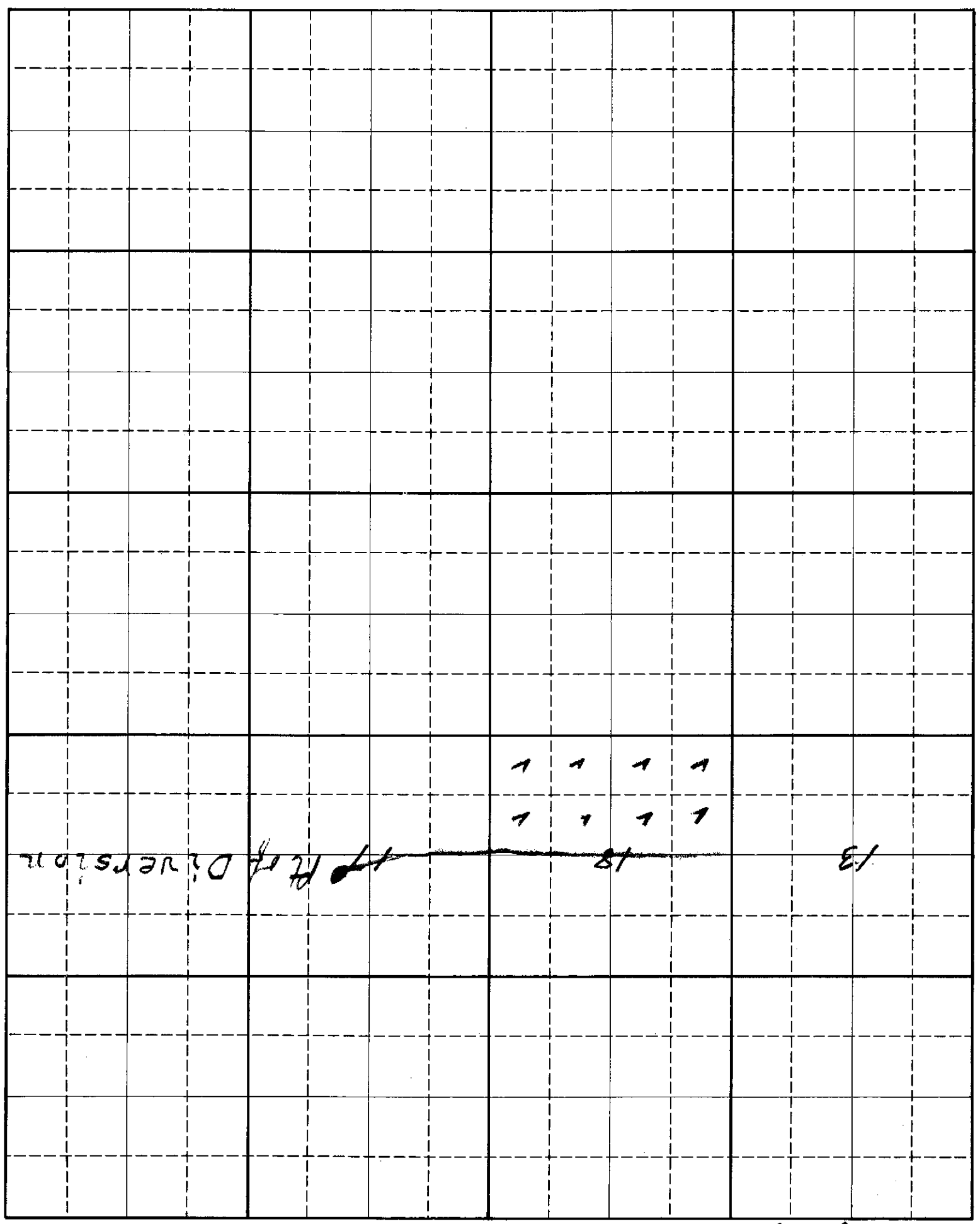
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12 N	39 E	18	40			40									40			40	160
																			160

Total number of acres presently irrigated 160



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



372

362

9. If applicant was not the original holder of this right explain how it was acquired:_____

Land and water purchased from State of Idaho.

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 3.2 c.f.s. and/or _____ acre feet

b. New point of diversion: SW ¼ NE ¼, Section 17, Township 9 N
_____, Range 37 E., B.M.

c. Description of method of diversion and conveyance from new points of diversion: _____
Headgate and open ditch from point of diversion to place
of use.

d. Is water to be conveyed to the lands previously irrigated? Yes _____ No X

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

To divert water to dry land now owned by applicant which
will be more fertile and productive than land on which
water is presently used.

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

g. Do you intend to abandon completely the old point of diversion? Yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 N	37 E	18									20	20	20	20	20	20	20	20	160

Total number of acres to be irrigated 160

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

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

Will no longer irrigate the lands previously irrigated by
this right, as the new land will be more productive when
irrigated.

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

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

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

LAIRD & JONES, INC., a corporation,

By X J. H. Laird
(signature of applicant) **President**

Subscribed and sworn to before me this 8th day of January, 1970

De L. E. Edwards
(notary public)

My commission expires November 11, 1974

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

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0004/1629,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

That an adequate measuring device of a type approved by this Department
be permanently installed and maintained.

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

Witness my hand this 29th day of July, 19 71

[Signature]
State Reclamation Engineer

DEPUTY DIRECTOR

RECEIVED

PROTEST TO CHANGE OF WATER RIGHT

TO: DEPARTMENT OF RECLAMATION
State House - Annex 2
Boise, Idaho 83707

PLEASE TAKE NOTICE that the undersigned hereby protest against the proposed change of water right filed by Laird & Jones, Inc., of Dubois, Idaho, under No. 31-0004, whereby the applicant proposes to change the point of diversion and place of use as to 3.2 cfs of the waters of Camas Creek, tributary to Mud Lake, priority May 15, 1888, and in support of the protest respectfully represent as follows:

1. Each of the undersigned protestants owns water rights in Camas Creek, or its tributaries, tributary to Mud Lake, and in each case the point of diversion and the place of use of the water rights of protestants are upstream on Camas Creek, or its tributaries, from the proposed point of diversion and place of use of the applicant Laird & Jones, Inc.

2. Each protestant will sustain a substantial and real injury to the water rights of protestant if the application is granted due to a serious transmission loss from the existing point of diversion of the applicant to the proposed point of diversion. Protestants estimate that the transmission loss will be fifty per cent or greater, and during dry seasons when subsequent rights may be cut off, the transmission loss would be as much as eighty per cent.

3. Each of the protestants who has added the word "yes" to the column "Deprivation of Return Flow" following the signature of the protestant would also suffer a real and substantial injury to the water right of that protestant resulting from a deprivation and loss of return flow if the proposed change of point of diversion and place of use is allowed.

Each of the protestants so indicating irrigates lands from a point or points of diversion downstream from the existing point of diversion and place of use of Laird & Jones, Inc., and upstream from the proposed point of diversion and place of use of Laird & Jones, Inc. Said lands are all within three miles, approximately, downstream from the present place of use. Each of the protestants, or their predecessor in right, appropriated the water right on the strength of the existence of the return flow in Camas Creek from the upstream use on the present place of use of the Laird & Jones, Inc. water right. The character of the land of the present place of use is such that there is now and has been for many years a substantial return flow from the place of use.

4. All of the protestants have water rights, as above described, subsequent in date to the priority date of applicant Laird & Jones, Inc. Starting about June 1st of each year the need of water for each of protestants becomes critical, and the allowance of the application would result in an earlier loss of water to all protestants, to their substantial injury in their agricultural operations.

5. From the last lands irrigated by protestants to the proposed point of diversion and place of use there is approximately seventeen miles of barren desert and sage brush ground which greatly increases the transmission loss.

Dated this 6th day of February, 1970.

<u>PROTESTANT</u>	<u>Address</u>	<u>Deprivation of Return Flow - Yes</u>
Arthur J. Munns	Thornton	yes
Robert L. Wilkman	Lehigh	
Ed. J. Harroff	Lehigh	yes
Ernest S. Seldoway	Lehigh	yes

PROTESTANT

Address

Deprivation of Return
Flow - Yes

Harold Liddaway Leton City Ida.
Ernest Hunter Mt. Anthony Idaho
Frank Jensen Rt. 2 Rexburg - yes
Wyle Glover Rt. 2 R.F.D. #2 Leton City
Clifford E. Hillman Rexburg Idaho Rt 2

Gordon S. Thatcher

Gordon S. Thatcher
of RIGBY & THATCHER
Attorneys for Protestants
25 North 2nd East
Rexburg, Idaho 83440

protest withdrawn
12-30-70

FEB. 6, 1970
KILGORE, IDAHO

DEPT OF RECLAMATION

WE THE UNDERSIGNED PROTEST THE CHANGING OF THE POINT OF DIVERSION OF WATER
RIGHT NUMBER 31-0003 AND NUMBER 31-0004, WATER RIGHT OF CAMAS CREEK TRIBUTARY OF
MUD LAKE

DUE TO THE FACT THAT THERE WILL BE A LOSS OF 30 TO 50 PERCENT BETWEEN DIVERSION
POINTS.

John A Larick
Sherman Halverson

Kilgore, Idaho
Kilgore, Idaho

Howard E. Fredericksen
Ted Vadnais
Shawn Stoddard
Loren J. McGarry
H. L. Bennett
Roy McCormick

Kilgore Idaho

RECEIVED

FEB 9 1970

Department of Reclamation

MODIFIED

Loren J. McGarry
Kilgore Route
Dubois, Idaho 83423

31 0004

Proof of Publication

STATE OF IDAHO }
County of Clark } ss.

M. L. Phippen being
first duly sworn, deposes and says that he is the
chief clerk of THE CLARK COUNTY
ENTERPRISE, a weekly newspaper published in
Dubois, Clark County, in the State of Idaho. That

the Change Water Right # 31-0004,
a true copy of which is hereto attached was pub-
lished in THE CLARK COUNTY ENTERPRISE for

2 consecutive weeks, first publication

having been made on the 22 day of

January, 1970 and the last

publication having been made on the 29

day of January, 1970.

That said paper has been continuously and
uninterruptedly published in said county during
a period of seventy-eight consecutive weeks
prior to the first publication of said notice or
advertisement, and is a newspaper within the
meaning of the laws of Idaho.

M. L. Phippen
SUBSCRIBED AND SWORN TO before me

this 29th day of Jan, A. D., 1970

Rich Phippen
Notary Public.

My commission expires 10-30, 1972

PUBLIC NOTICE

NOTICE OF APPLICATION TO CHANGE WATER RIGHT NO. 31-0004

Notice is hereby given that Laird
& Jones, Inc. of Dubois, Idaho, who
holds a water right by virtue of a
decree for the diversion of 3.2 c.f.s.
of the waters of Camas Creek tribu-
tary to Mud Lake Priority May 15,
1888;

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
7, T. 12N., R. 39 E B.M.

Place of Use: E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
Sec. 18, T. 12 N., R. 39 E., B.M. has
applied to the Department of Re-
clamation of the State of Idaho to
change the point of diversion and
place of use under the above des-
cribed water right to the point of
diversion within SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17,
T. 9 N., R. 37 E., B.M., and place of
use within the S $\frac{1}{2}$ Sec. 18, T. 9 N., R.
37 E., B.M.

Any protests against this proposed
change of water right must be filed
with the Department of Reclamation,
Statehouse Annex 2, Boise, Idaho
83707, within 10 days of the last date
of publication.

Published on January 22 and Janu-
ary 29, 1970.

94 R. KEITH HIGGINSON
State Reclamation Engi

K.H.
Bill submitted
2-3-70

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF IDAHO, EASTERN DIVISION

ERNEST SAUVE,

Plaintiff,

No. 635. In Equity

-VS-

D E C R E E

To W. H. Abbott, Fay Abbott, Mary O. Adels, Allan Almonda, G. B. Allen, Allen & Harn, a co-op partnership, consisting of G. B. Allen and H. R. Harn; Wm. A. Andrews, Joseph Andrasen, Anderson Bros. Bank, a corporation; Gerrit Auldhouse (sometimes known as Gerrit Oldhouse); William Arline, Ernest Baurle, known as Olansen Oldhouse), Edward C. Barnes, May L. Barnes, Lovisa Barney, Arthur J. Barber, Charles Bartlett, Ambrose J. Beckner, Laura E. Beckner, William Beck, David Bathuns, Lloyd Bennett, Gus E. Brauer, Administrator of the Estate of Annie J. Bennett, deceased; A. W. Belnap, C. W. Belnap, The Bennett Investment Company, Limited, a corporation; Gussie Binnard, Burke Binnard, Horace L. Birch, Binnard Ranch Company, a corporation; B. Binnard, Sarah Binnard and E. F. Mobley, Trustees for Binnard Ranch Company, a defunct corporation; Charles O. Bickman, as Trustee in Bankruptcy of Binnard Ranch Company, a corporation; Oscar A. Johannsson, as Receiver of Binnard Ranch Company, a corporation; Heber J. Blackburn, W. B. Boucher, Ray Bohney, R. T. Boatman, Mary Nicholas Boyd, Frank Bos, Charles E. Brodic, E. L. Browning, Adna E. Brumwell, Afton Bradshaw, Theresa Brinkmann, Lottie Burcham, O. F. Burcham, Katherine Burggraf, Anna M. Burggraf, John Burke (sometimes known as John Birks); John H. Burnside, Don R. Burnside, Arthur C. Burnside, Robert Burnside, Alexander Burrus, Burnside Bros., a co-partnership, consisting of John H. Burnside and Don R. Burnside; Vienna Carter, Luther V. Cappe, Fred C. Carrell, Alice M. Cain, Charles G. Carlson, Albert Calkins, Elizabeth O. Cappe, John Campbell, A. E. Carlson, Charles Campbell, Camas Mutual Irrigation District, a public corporation of Clark County, Idaho; Irene M. Cerney, Central Idaho Irrigation District, a public corporation of Jefferson County, Idaho; Chris Christensen, E. L.

Herriott E. Staley

1919 - November 28

2.4 c.f.s.

Source: Mid Lake
Point of Diversion: In the North-
west Quarter of the Southeast
Quarter of Section 33, Township
7 North, Range 34 East, B.M.

For use on the following described
land, to-wit: The East Half of
Section 4, Township 6 North, Range
34 East, B.M.

No. 125

State of Idaho
(a public corporation)

1888 - May 15

3.2 c.f.s.

Source: Camas Creek, a tributary
of Mid Lake.

310004

Point of Diversion: Water is
diverted from Camas Creek at a
point 1200 feet north 80° West
from the East Quarter corner
of Section 7, Township 12 North,
Range 39 East.

For use on the following described
land, to-wit: The East Half of
the Northeast Quarter, the East
Half of the Southeast Quarter,
of Section 18, Township 12 North,
Range 39 East, B.M.

1897 - June 1

2.5 c.f.s.

Source: Camas Creek, a tributary
of Mid Lake.

310003

Point of Diversion: Water is
diverted from Camas Creek at a
point 200 feet north of the
Northeast corner of Section 19,
Township 12 North, Range 39 East.

For use on the following described
lands, to-wit: The East Half
of the Northeast Quarter of
Section 19; the West Half of the
Northeast Quarter of Section
20, all in Township 12 North,
Range 39 East, B.M.

No. 126

MEMORANDUM

TO: FILE 31-00238

FROM: PAM SKAGGS

RE: TRANSFER # 5188

DATE: 1-14-98

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 31-00124.

MICROFILMED

JUN 24 1999

MEMORANDUM

TO: FILE 31-0238

FROM: PAM SKAGGS

RE: TRANSFER # 4488

DATE: 11/23/94

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 31-0124.

MICROFILMED

JUN 24 1999

file 31-0238

MEMORANUDM

TO: Transfer Files 1628, 1629, State Office Routing & Eastern Region
FROM: Roberta
SUBJECT: Decree Number Changes
DATE: May 8, 1985

Please change your records accordingly.

<u>OLD NO.</u>	<u>NEW NO.</u>	<u>NAME</u>
31-0003 (T. 1628)	31-0239 (T. 1628)	Laird & Jones Inc. (T. 1628)
31-0004 (T. 1629)	31-0238 (T. 1629)	Laird & Jones Inc. (T. 1629)

MICROFILMED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF IDAHO, EASTERN DIVISION

ERNEST SAUVE,

Plaintiff,

No. 635. -- In Equity

- vs -

D E C R E E

To W. H. Abbott, Fay Abbott, Mary C. Adels, Allen Almorda, G. B. Allen, Allen & Harn, a co-partnership, consisting of G. B. Allen and H. R. Harn; Wm. A. Andrews, Joseph Andrasen, Anderson Bros. Bank, a corporation; Gerret Auldhouse (sometimes known as Gerret Oldhouse); Clausen Auldhouse (sometimes known as Clausen Oldhouse), William Axline, Ernest Bauerle, Edward C. Barnes, May L. Barnes, Lovisa Barney, Arthur J. Barber, Charles Bartlett, Ambrose J. Beckner, Laura E. Beckner, William Beck, David Bethune, Lloyd Bennett, Gus E. Brauer, Administrator of the Estate of Annie J. Bennett, deceased; A. W. Belnap, C. W. Belnap, The Bennett Investment Company, Limited, a corporation; Gussie Binnard, Burka Binnard, Horace L. Birch, Binnard Ranch Company, a corporation; B. Binnard, Sarah Binnard and E. F. Mobley, Trustees for Binnard Ranch Company, a defunct corporation; Charles O. Rickman, as Trustee in Bankruptcy of Binnard Ranch Company, a corporation; Oscar A. Johanneson, as Receiver of Binnard Ranch Company, a corporation; Heber J. Blackburn, W. B. Boucher, Ray Bohney, R. T. Boatman, Mary Nicholas Boyd, Frank Boe, Charles E. Brosic, E. L. Browning, Adna E. Bramwell, Afton Bradshaw, Theresa Brinkmann, Lottie Burcham, G. F. Burcham, Kath-

MICROFILMED

State of Idaho
(a public corporation)

1888 - May 15

3.2 c.f.s.

Source: Camas Creek, a tributary of Mud Lake.

formerly 31-0004

31 238✓

T. 1629

Point of Diversion: Water is diverted from Camas Creek at a point 1200 feet north 80° West from the East Quarter corner of Section 7, Township 12 North, Range 39 East.

For use on the following describe land, to-wit: The East Half of the Northeast Quarter, the East Half of the Southeast Quarter, of Section 18, Township 12 North, Range 39 East, B.M.

1897 - June 1

31 239✓

2.5 c.f.s.

Source: Camas Creek, a tributary of Mud Lake.

formerly 31-0003

T. 1628

Point of Diversion: Water is diverted from Camas Creek at a point 200 feet north of the Northeast corner of Section 19, Township 12 North, Range 39 East.

For use on the following describe lands, to-wit: The East Half of the Northeast Quarter of Section 19; the West Half of the Northwest Quarter of Section 20,-- all in Township 12 North, Range 39 East, B.M.

No. 126

167

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 24, 1971

Re: Transfer No. 31-0003 - Laird & Jones, Inc.
" " 31-0004

Laird & Jones, Inc.
Dubois,
Idaho 83423

Gentlemen:

At the request of C. Stephen Allred, Deputy Director of the Department, you are hereby instructed to return the copies of the above referenced transfers.

At the time of approval, the Department failed to enter as a part of the transfers the agreement entered into by yourselves as applicants and protestants. This agreement is that covering conveyanced losses.

Your immediate assistance in this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

September 17, 1971

Re: Transfer No. 31-0003 -- Laird & Jones, Inc.
" " 31-0004 " " " "

Norman C. Young
STATE OF IDAHO
DEPT. OF WATER ADMINISTRATION
240 South Holmes
Idaho Falls, Idaho 83401

Dear Norm:

Please find enclosed copies of the above referenced transfers as requested.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: copies

August 6, 1971

Re: Transfer Nos. 31-0003 - Laird & Jones, Inc.
31-0004 - " " " "
Permit No. 31-7045 - Farrel Black Ranches

Norman C. Young
STATE OF IDAHO
DEPT. OF WATER ADMINISTRATION
240 South Holmes
Idaho Falls, Idaho 83401

Dear Norm:

Please find enclosed copies of the above referenced transfers and permit that have been approved by this office.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CR

Enc: copies

August 3, 1971

Re: Transfer Nos. 31-0003
" " 31-0004
Permit No. 31-7045

Donald W. Shenton
Box 331
Dubois, Idaho 83423

Dear Mr. Shenton:

We are enclosing copies of approved Permit No. 31-7045 and Transfer Nos. 31-0003 and 31-0004.

If you have any questions in the matter, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Copies

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 3, 1971

Re: Transfer Nos. 31-0003

31-0004

Permit No. 31-7045

Ralph L. Albaugh

P.O. Box 428

Idaho Falls, Idaho 83401

We are enclosing copies of approved Permit No. 31-7045 for Farrel Black Ranches, and also approved Transfer Nos. 31-0003 and 31-0004 for Laird and Jones, Inc. Please forgive the extreme delay in completing these transfers; however, as you know, many questions were raised in connection with these issues.

Your assistance in this matter has been appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: copies

ENCLOSURE

February 17, 1971

Re: Applications for Transfer of Water Rights Nos. 31-0003 & 31-0004

Mr. Ted Vadnais
Dubois,
Idaho 83423

Dear Mr. Vadnais:

As of this date, we have not received a letter withdrawing your protest to the above numbered applications for transfer of water right. If we do not hear to the contrary within 10 days, we will assume that you will accept the terms of the stipulated agreement between the protestants represented by Rigby & Thatcher and the transfer applicants, Laird & Jones. After that period of time, we will consider your protest withdrawn.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/kh

This letter was also sent to: Roy McCormick
John A. Larick
Kenneth L. Bennett
Loren J. McGarry
Glenn Stoddard
Howard E. Frederiksen



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

January 29, 1971

Re: Applications for Transfer of Water Rights Nos. 31-0003 & 31-0004

Mr. Sherman Halverson
Kilgore,
Idaho 83432

Dear Mr. Halverson:

We have received a stipulated agreement between the protestants represented by Rigby & Thatcher and the transfer applicants Laird & Jones. This stipulated agreement states in part:

"Now, therefore, it is stipulated and agreed by and between applicant and all of the protestants represented by the firm of Rigby & Thatcher herein that the Department of Reclamation may grant the transfers of water rights above referred to in all things pursuant to the applications, subject, however, to a transportation loss of twenty-three per cent, applied to both water rights, at the new point of diversion."

We would appreciate being advised within 10 days of the date of this letter as to whether or not you concur with this stipulated agreement or whether you wish to continue your protest to approval of these two transfer applications.

Very truly yours,

Bobby D. Fleenor

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Dear Sir:
This agreement seems all right
with me.
Respectfully yours
Sherman Halverson

This letter was also mailed to the following individuals: John H. Larick
Sherman, Halverson
Kenneth L. Bennett
Loren J. McGarry
Glenn Stoddard
Howard E. Frederiksen
Ted Vadnais

January 29, 1971

Re: Applications for Transfer of Water Rights Nos. 31-0003 & 31-0004

C
Mr. Roy McCormick
Kilgore, *Dulais*
Idaho 83423

Dear Mr. McCormick:

We have received a stipulated agreement between the protestants represented by Rigby & Thatcher and the transfer applicants Laird & Jones. This stipulated agreement states in part:

P "Now, therefore, it is stipulated and agreed by and between applicant and all of the protestants represented by the firm of Rigby & Thatcher herein that the Department of Reclamation may grant the transfers of water rights above referred to in all things pursuant to the applications, subject, however, to a transportation loss of twenty-three per cent, applied to both water rights, at the new point of diversion."

We would appreciate being advised within 10 days of the date of this letter as to whether or not you concur with this stipulated agreement or whether you wish to continue your protest to approval of these two transfer applications.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

RECEIVED *CSH*

JAN 29 1971

January 27, 1971

RAY W. RIGBY
GORDON S. THATCHER

Department of Water Administration
TELEPHONE
856-8638
AREA CODE 208

Mr. R. Keith Higginson
Director
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Application for Transfer Nos. 31-0003
& 31-0004

Dear Mr. Higginson:

We enclose original and copy of stipulation in
the above entitled matter.

Yours very truly,

Gordon S. Thatcher
mp
of RIGBY & THATCHER

GST:mp
Encl.

RECEIVED

RECEIVED

JAN 29 1971

Department of Water Administration

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATIONS FOR TRANSFER OF WATER RIGHTS

(Change of Point of Diversion and Place of Use).

Re: TRANSFER APPLICATIONS

Nos: 31-0003 and 31-0004

WHEREAS: Laird & Jones, Inc., a corporation, has made application to transfer 3.2 c.f.s. of Camas Creek water with date of priority May 15, 1888, from use upon Section 18, T 12 North, Range 39 E.B.M, to use upon Section 18, T 9 North, Range 37 E.B.M., all pursuant to the application on file herein with the Department of Reclamation, and

WHEREAS: Said applicant has also made application to transfer 2.5 c.f.s. of Camas Creek water with date of priority June 1, 1897, from use upon Sections 19 and 20, T 12 North, Range 39 E.B.M., to use upon Section 13, T 9 North, Range 36 E.B.M., all pursuant to the application on file herein with the Department of Reclamation, and

WHEREAS: The firm of Rigby & Thatcher, attorneys, have filed protests herein on behalf of numerous protestants, and

WHEREAS: The applicant and all of said protestants have resolved their disputes by reaching an agreement as to the transportation losses which should be applied against the water rights of applicant upon approval of the transfers.

NOW, THEREFORE, IT IS STIPULATED AND AGREED by and between applicant and all of the protestants represented by the firm of Rigby & Thatcher herein that the Department of Reclamation may grant the transfers of water rights above referred to in all things pursuant to the applications, subject, however, to a transportation

RECEIVED

loss of twenty-three per cent, applied to both water rights, at the new point of diversion.

Dated this 27th day of January, 1971.

ALBAUGH, BLOEM, SMITH & PIKE

By A. L. Smith

A. L. Smith
Attorneys for Applicant
Residence and P. O. Address:
Idaho Falls, Idaho

RIGBY & THATCHER

By Gordon S. Thatcher

Gordon S. Thatcher
Attorneys for Protestants Named
in Written Protests Dated
February 6, 1970
Residence and P. O. Address:
Idaho Falls, Idaho

Kilgore Ida.
Jan. 5-71

State of Idaho
Department of Water Administration

To Whom it May Concern:

Due to the weather, work and
unusual early hour.

I will not be able to attend the
hearing on the change of point
of diversion for Faircl & Jones.

As was explained in the June
17th meeting, regarding the
measurement of the water at
old point of diversion and then
taking the loss between the old
and new.

I will approve of this, but no
additional added.

Hoping this will meet with your
approval

Respectly

Sherman Halverson
Kilgore, Ida.

Idaho, Idaho

Jan 4, 1971

Department of Water Administration
Gentlemen:

I have on hand your letter dated 22 of December, 1970 relative of the transfer of water right of Land & Ice Co. Nos 31-0004 and 31-0003

I wish to state that due to this isolated place and due to the fact we have 4 ft of snow and drifting ~~snow~~ and that I am feed a sizable number of stock. It would be difficult for me to be at Idaho falls at 830 A.

My thinking is that as far as I am concerned they can transfer their legal amount of water if they so desire

As for as allowing them an additional percent of water to ~~present~~ take care of evaporation and loss in getting it down there, I am very much against that. They should stand their own loss in transfer

Sincerely yours
Ed Vadnais

RECEIVED

January 20, 1971

Re: Application for Transfer Nos. 31-0003 & 31-0004 ✓

Rigby & Thatcher
25 North 2nd East
Rexburg, Idaho 83440

Gentlemen:

Reference is made to Application for Transfer of Water Right filed with this office by Laird and Jones, Inc. of Dubois, Idaho and to the conference scheduled to be held in Bonneville County Courthouse on January 7, 1971. It is our understanding that the applicants and protestants have reached an agreement concerning resolution of this matter with regard to percent of loss to be charged for transportation from Camas Creek. We will appreciate it if the parties will reduce this agreement to writing at an early date and submit it to this office so that we might complete action concerning these two transfers.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:cc

January 20, 1971

✓
Re: Application for Transfer Nos. 31-0003 & 31-0004

Mr. A. L. Smith
Albaugh, Bloem, Smith & Pike
P. O. Box 426
Idaho Falls, Idaho 83401

Dear Mr. Smith:

Reference is made to Application for Transfer of Water Right filed with this office by Laird and Jones, Inc. of Dubois, Idaho and to the conference scheduled to be held in the Bonneville County Courthouse on January 7, 1971. It is our understanding that the applicants and protestants have reached an agreement concerning resolution of this matter with regard to percent of loss to be charged for transportation from Camas Creek. We will appreciate it if the parties will reduce this agreement to writing at an early date and submit it to this office so that we might complete action concerning these two transfers.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:cc

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RECEIVED

DEC 28 1970

Department of Water Administration

Bobby D. Zuercher
Assistant Director
Dept. of Water Administration
Statehouse Annex 2
Boise, Idaho 83707

Dear Mrs. Zuercher,

I am writing in regard to your letter, dated December 23, 1970 concerning transfer of water right in the name of Land and Stone, Inc.

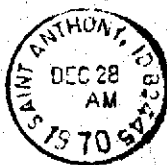
I learned in the informal conference held in Idaho Falls June 17, 1970 that the transfer does not involve me. Therefore, I would like to have my name removed from the petition.

Sincerely yours,
Anthony J. Hunter
St. Anthony, Idaho

Permit Hunter

Box 501

St. Anthony, Idaho 83445



CERTIFIED

No 491860

MAIL

Bobby D. Zuercher
Dept. of Water Administration
Statehouse Annex 2
Boise, Idaho 83707

RETURN RECEIPT REQUESTED

December 23, 1970

Re: Application for Transfers Nos. 31-0003 & 31-0004

Judge Boyd E. Thomas
District Court
Bonneville County Courthouse
Idaho Falls, Idaho 83401

Dear Judge Thomas:

This letter is to confirm the use of a court room for a hearing to be held by this office. This hearing is scheduled to begin at 8:30 A.M. January 7, 1971.

Thank you for your cooperation in this matter.

Very truly yours,

BOBBY D. FLENCER
Assistant Director

BDF:kh

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
TRANSFER OF WATER RIGHT NOS. 31-0003)
and 31-0004 in the name of LAIRD & JONES, INC.)

NOTICE OF CONFERENCE
AND/OR HEARING

On January 13, 1970, Laird & Jones, Inc., Dubois, Idaho, filed with the Department of Water Administration two applications for transfer of water right. On February 9, 1970, the Department of Reclamation received protests against approval of these two transfer from the following individuals: John A. Larick, Sherman Halverson, Howard E. Frederiksen, Ted Vadnais, Glen H. Stoddard, Loren J. McGarry, Kenneth L. Bennett, Roy McCormick all of Kilgore, Idaho; Ralph L. Hillman, Hugh Jensen, Clifford Hillman, Dyle Robertson all of Rexburg; Emmit Hunter, St. Anthony, Idaho; Harold Siddoway, Teton City, Idaho; Ernest Siddoway, Teton, Idaho; Arthur J. Munns, Thornton, Idaho; P. T. Rasmussen, Parker, Idaho; Cleo J. Harrop, Lorenzo, Idaho; and Irvin Harrop, Rigby, Idaho.

An informal conference was held in Idaho Falls on June 17, 1970 to discuss the issues of protest. The Department of Water Administration has set the matter of protest for conference and/or hearing again on January 7, 1971 at 8:30 A.M. in the District Court Room, Bonneville County Courthouse, Idaho Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicants or protestants may allow the Department without prejudice to dismiss the protests or the transfer applications. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 22 day of December, 19 70.

Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

Mailed this 23rd day of December, 1970, to See attached sheet

RECEIVED
NOV 10 1970

Hearing notices mailed to the following people

Name & Address	Certified No.
Donald W. Shenton, Watermaster, Box 331, Dubois, Idaho	22388
Albaugh, Bloem. Smith & Pike, P.O. Box 428, Attn: Ralph L. Albaugh, Idaho Falls, Idaho	22389
Roy McCormick, Kilgore, Idaho	22390
Kenneth L. Bennett, Kilgore, Idaho	22391
Loren J. McGarr, Kilgore, Idaho	22392
Glen H. Stoddard, Kilgore, Idaho	22393
Ted Vadnais, Kilgore, Idaho	22394
Howard E. Frederiksen, Kilgore, Idaho	22395
Sherman Halverson, Kilgore, Idaho	22396
John A. Larick, Kilgore, Idaho	22397
Rigby & Thatcher, Attn: Gordon S. Thatcher, 25 North 2nd East, Rexburg, Idaho	22398
Clifford E. Hillman, Rte. 2, Rexburg, Idaho	22399
Dyle Robertson, Rte. 2, Rexburg, Idaho	22400
Hugh Jensen, Rte. 2, Rexburg, Idaho	22401
Emmitt Hunter, St. Anthony, Idaho	22402
Harold Siddoway, Teton City, Idaho	22403
Ernest Siddoway, Teton, Idaho	22404
Irvin Harrop, Rigby, Idaho	22405
Cleo Harrop, Lorenzo, Idaho	22406
P. T. Rasmussen, Parker, Idaho	22407
Ralph L. Hillman, Rte. 2, Rexburg, Idaho	22408
Arthur J. Munns, Thornton, Idaho	22409
Laird & Jones, Inc., Dubois, Idaho	22410

LAW OFFICES OF
ALBAUGH, BLOEM, SMITH & PIKE
P. O. Box 428
IDAHO FALLS, IDAHO 83401

RALPH L. ALBAUGH
JOHN L. BLOEM
ARTHUR L. SMITH
EDWARD W. PIKE
ROBERT J. FANNING

RECEIVED
NOV 19 1970
FOURTH FLOOR
ROGERS ANNEX BUILDING
TELEPHONE 522-6291
Department of Water Administration

November 18, 1970

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention: C. Stephen Allred
Deputy Director

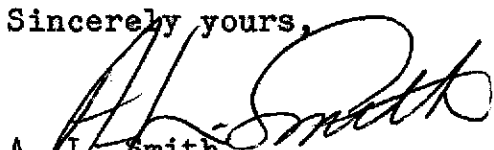
Re: Application for Transfer No. 31-0004
Laird Application

Gentlemen:

Mr. Laird has contacted our office recently stating that he is most anxious to obtain a final decision in the matter. We have been in touch with the attorneys for protestants on several occasions and have been unable to reach a settlement. We believe that the measurements taken by the Department last Fall and the computations therefrom now make it possible for this matter to be wound up very speedily.

We therefore request that you set the case for hearing again as we trust that this may finally bring the matter to a conclusion. Thank you for your courtesy.

Sincerely yours,


A. L. Smith

ls

CC: Rigby & Thatcher

October 15, 1970

Re: Application for Transfer No. 31-0004

Albaugh, Bloem, Smith & Pike
Mr. A. L. Smith
P. O. Box 426
Idaho Falls, Idaho 83401

Dear Mr. Smith:

Thank you for your letter of October 13, 1970. Mr. Hamilton checked with Mr. Shenton regarding the Harrop Ditch measurement. As you point out, there was a misunderstanding as to where the Harrop Ditch diverted water, and, as a result, the loss should have been smaller than originally calculated. I am enclosing a revised memorandum describing the calculation of the losses for your use. I am sorry for the misunderstanding as to Mr. Shenton's measurement.

I would appreciate your suggestions as to how to proceed to complete the matter for the transfer application as soon as possible.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:cc

enclosure

cc: Rigby & Thatcher

OCT 14 1970

Department of Water Administration
FOURTH FLOOR
ROGERS ALEX BUILDING
TELEPHONE 6291

October 13, 1970

j
cc: Gordon Thatcher

MEMO

To: C. Stephen Allred
From: Robert W. Hamilton
Subject: Water loss - Camas Creek (Laird & Jones transfer application)
Date: October 14, 1970

In a memorandum dated September 15, 1970, I stated the loss in Camas Creek was 36.33 percent from the point where Laird & Jones presently use water from Camas Creek to the proposed point of diversion. I now find that the Harrop Ditch which was measured by Mr. Don Shenton was below the upper point of diversion of Laird & Jones, and the amount of water measured (3.28 c.f.s.) should have been deducted from the total stream flow rather than added on. I hereby submit the following measurement figures which shows the loss previously given as 36.33 percent as being 19.28 percent.

Camas Creek	11.16 c.f.s.
Spring Creek	20.28
Walkee Ditch	4.77
	<u>36.21</u> c.f.s. flow near upper
Less Harrop Ditch	-3.28 point of diversion
Less Jacoby Ditch	<u>-2.22</u>
	30.71 c.f.s.
Camas Creek at proposed point of diversion	<u>-23.73</u>
	Loss = 6.98 c.f.s. or 19.28 percent

UNCLASSIFIED

October 5, 1970

Re: Application for transfer 31-0004

Albaugh, Bloem, Smith & Pike
Mr. A. L. Smith
P. O. Box 426
Idaho Falls, Idaho 83401

Dear Mr. Smith:

In replying to your letter of September 25, the measurements were made by Mr. Robert Hamilton of this office. Mr. Hamilton is responsible for directing the watermasters program throughout the state. He has conducted many such studies and I consider him to be especially qualified in making current meter measurements. The measurements were made by a type "A" and pigmy type current meters. The accuracy of these measurements under suitable conditions should be within five percent. Measurements were made of Camas Creek, Spring Creek and Walker Ditch near Sections 18 and 19, T. 12 N., R. 39, B.M.; Camas Creek 18, T. 11 N., R. 39 E.; Jackby Ditch in Sec. 17, T. 10 N., R. 38 E.; and Camas Creek near the proposed point of diversion. Mr. Shendon measured the Harrop Ditch to assist us. Mr. Shendon assisted Mr. Hamilton in making several of the other measurements. I am enclosing a memorandum summarizing the amounts measured at each point.

The only way that we could determine whether or not the loss measured was typical would be to make a series of measurements at other times of the season.

In checking with other information, we compared the measured loss in this section with the loss which seems to exist in other portions of the creek. These measurements were taken over approximately 25 miles of stream channel. Over the approximately 38 mile reach to the Wildlife Refuge, losses run as high as 75 percent.

Since our conference at Idaho Falls, the Attorney General's Office has advised us that when considering applications for transfer, we should make a determination as to whether the right sought to be transferred has been forfeited through non-use. I believe that the protestants in this case put forth the contention that this was the case. If such a right had not been utilized for a period greater than five years our probable course would be to deny the transfer.

Mr. A. L. Smith

- 2 -

October 5, 1970

I would like to settle the matter of the transfer application as soon as possible. I would appreciate being advised as to the status of your negotiations and as to your plans.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:cc

enclosure

cc: Rigby & Thatcher

C

O

P

Y

MEMO

To: Ken Dunn *AKD*

From: Robert Hamilton

Subject: Camas Creek Loss Measurements

Date: September 28, 1970

In arriving at the loss figure quoted in my memorandum dated September 15, 1970, Camas Creek, Spring Creek, and the Walker Ditch were measured just north of the south section line of Sections 18 and 19; Twp. 12N, Rge. 39E, B.M. The transfer application gave an old point of diversion 2 miles further upstream, but the watermaster said there had not been any water diverted there for many years. Mr. Johnson of this department agreed with this. He was the former watermaster of Water District No. 66. These two creeks and the ditch gave me the amount of water in the creeks near the point of diversion that Laird and Jones had applied to transfer the water from. As there was no water entering Camas Creek from McGerry Canyon, a measurement was unnecessary. When Mr. Shenton was made aware of the results of our measurements, he felt there should have been a gain in the stream at the point of our second measurement (SW1/4NE1/4, Section 18; Twp. 11N, Rge. 39E, B.M. of Camas Creek). He then found one ditch (Harrop ditch) that was running water that should have been closed. This was measured by Mr. Shenton and added to the total flow measured in the other creeks and ditch. The measurement made in Section 18; Twp. 11N, Rge. 39E. was made to show the amount of gain in this upper reach of the creek. It seems to be the general opinion that this was a gaining section of the creek; however, my measurements fail to show this as a fact. Even if it had been a gaining section, it does not seem right that a portion of this gain should be used to transport this water that Laird and Jones are attempting to transfer. This will cause injury to other water rights on the creek.

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OCT 1 1970

The next measurement was made in the head of the Jacoby Ditch in SE1/4SE1/4, Section 17; Twp. 10N, Rge. 38E, B.M. This was outflow from the creek and Don Shenton was not with me on this measurement. Finally, we measured Camas Creek at the proposed point of diversion and found the total loss as indicated in my previous memorandum. The distance between these points is approximately 25 miles. To the Camas Wildlife Refuge, a distance of 38 miles, the loss runs as high as 75 per cent.

RECEIVED

9-28-70

Bob:

Prepare a memo on
this

Ken

RECEIVED

LAW OFFICES OF
ALBAUGH, BLOEM, SMITH & PIKE
P. O. Box 428
IDAHO FALLS, IDAHO 83401

RALPH L. ALBAUGH
JOHN L. BLOEM
ARTHUR L. SMITH
EDWARD W. PIKE
ROBERT J. FANNING

RECEIVED

FOURTH FLOOR
ROGERS ANNEX BUILDING
TELEPHONE 522-6291

September 25, 1970

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

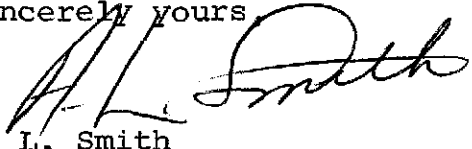
Attention: Mr. C. Stephen Allred
Deputy Director

Re: Transfer Application by Laird, No. 31-0004

Dear Mr. Allred:

I was somewhat surprised to receive your letter of September 23, 1970, stating that some measurements indicate a loss on September 2 in excess of 36%. We would like to receive the details regarding the measurements, as we would like to know where they were taken, etc. and by whom. Of course, we realize that the percentage of transportation loss rises very sharply toward the end of the season. We cannot believe that the loss would be any where near this percentage through the major part of the season.

Sincerely yours


A. L. Smith

ALS/jan

cc: Mr. Gordon Thatcher
Attorney at Law
Rexburg, Idaho 83440

MEMO

To: C. Stephen Allred
From: Robert W. Hamilton
Subject: Camas Creek Loss Measurements
Date: September 15, 1970

On September 2, I made a series of water measurements on Camas Creek to determine the loss between the Laird point of diversion near Idman (Sec. 18 Twp. 12N, Rge. 39E, B.M.) and the point Laird and Jones plan to divert this water, provided their transfer application is approved. This point is located in the SW1/4NE1/4, Sec. 17; Twp. 9N, Rge. 37E, B.M.

It was necessary to measure Camas Creek, Spring Creek and two ditches to determine the flow of Camas Creek near the upper point of diversion. There was one ditch diverting water between these two points. The following results were noted:

Camas Creek 11.16 c.f.s.

Spring Creek 20.28 c.f.s.

Walkee Ditch 4.77 c.f.s.

Harrop Ditch 3.28 c.f.s.

39.49 c.f.s. flow near upper point of diversion

- 2.22 c.f.s. diverted from Camas Creek by Jacoby Ditch

37.27 c.f.s.

- 23.73 c.f.s. measured at Laird & Jones proposed point of

13.54 c.f.s. lost between these two points diversion

Loss = 36.33%

The weather was cool, and I feel the loss during the summer will exceed this percentage.

affidavit from Paul Ramsey
 Certifying

Don Shenton made this
 measurement. we have no
 copy as yet. R.W.H.
 164" Harrop ditch out
 of spring creek

3, 28 C.F.S.
 329 ~~329~~ 98.00
 686
 940
 36.21
 3,28
 32.93

32.93
 222
 30.71
 23.73
 6.98

Loss measurement

LJ-200
1-63STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date _____, 19____ DISCHARGE MEASUREMENT NOTES

Spring Creek River at Upper Alb Laird Ranch

Stn	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
	3.0	1.0	—		—	—					
	5.0	2.00	.58		15	47	.722			1.16	5.84
	7.0	2.00	.77		20	47	.956			1.54	1.47
	9.0	2.00	.90		24	40	.405			1.80	.73
	11.0	2.00	1.08		18	44	.520			2.16	1.12
	13.0	2.00	1.04		25	47	1.19			2.08	2.48
	15.0	2.00	1.10		20	44	1.02			2.20	2.24
	17.0	2.00	1.18		20	52	.866			2.36	2.04
	19.0	2.00	1.32		25	42	1.33			2.64	3.51
	21.0	2.00	1.19		25	49	1.14			2.38	2.71
	23.0	2.00	1.21		20	50	.900			2.42	2.18
	25.0	1.50	.73		15	53	.643			1.09	.70
	26.0	1.25	.46		16	44	.520			.50	.26
	27.5	.75	—		0	40	—			—	—
											20.28
	24.5	2.45									
	3/4 of a mile East of Idmon Corner										
	1/4 mile north. Laird middle boundary fence										

MICROFILMED

LJ-200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

R. 822
② 3 (2013)

Date 9-2, 1970 DISCHARGE MEASUREMENT NOTES

Camas Creek River at Below Spring Crk

Stn.	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
41	25.4	1.05	1.1								
	25.3	1.05	1.1		25	42	1.33			1.15	⁵ 1.53
	23.3	2.0	1.45		20	41	1.09			2.90	3.16
	21.3	2.0	1.77		20	43	1.04			3.54	3.68
	19.3	2.0	1.77		25	48	1.17			3.54	4.14
	17.3	2.0	1.60		20	49	.92			3.2	2.94
	15.3	2.0	1.0		20	54	.84			2.0	1.68
	13.3	2.0	1.22		20	52	.87			2.44	2.12
	11.3	2.0	1.40		15	44	.77			2.80	2.16
	9.3	2.0	1.05		30	49	1.37			2.10	2.88
	7.3	2.0	0.85		25	42	1.33			1.70	2.26
	5.3	2.0	0.70		25	44	1.27			1.40	1.78
	3.3	1.75	0.62		20	45	1.0			1.09	1.09
	1.8	1.05	0.45		15	53	.69			1.47	1.30
41	1.2	.3	0								
										29.72	
	24.2	24.2									

MEASURED

of _____ Sheets. Comp. by RWH Chk. by RWH

LJ-200
1-63

CAMAS CREEK
Loss Measurement # 6

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date Sept 2 1970 DISCHARGE MEASUREMENT NOTES
Camas Creek
Jones & Laies Diversion River at Middle Diversion West side

Stn	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
	1.70	.75	0		—	—					3
	3.20	1.25	.86		10	40	.570			1.08	1.62
	4.20	1.90	1.15		5	45	.264			2.19	.58
	7.00	2.90	1.35		25	42	1.83			3.92	5.21
	10.00	3.00	1.40		25	45	1.24			4.20	5.20
	13.00	3.00	1.00		20	45	.998			3.00	2.99
	16.00	3.00	.52		25	41	1.36			1.56	2.12
	19.00	3.00	.54		20	41	1.09			1.67	1.76
	22.00	3.00	1.10		15	54	.631			3.00	2.08
	25.00	3.00	1.55		10	46	.498			4.65	2.32
	28.00	2.50	.90		7	51	.325	.322		2.25	.73
	30.00	1.10	.50		5	61	.200			.55	.11
	30.2	.1									
	28.5	28.5									
											23.73

MEASURED

of Sheets. Comp. by R.W.H. Chk. by R.W.H.

LJ-200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

R. 822
@ 4:30 PM

Date 9-2, 19 70 DISCHARGE MEASUREMENT NOTES

Jacoby Ditch River at At head

Station	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
EW 1.2	1.2	0									
	1.6	.45	0.6		5	51	.24			.27	.06
	2.1	.5	0.73		7	42	.39			.37	.14
	2.6	.5	0.83		10	40	.57			.42	.24
	3.1	.5	0.92		15	45	.75			.46	.36
	3.6	.5	1.0		15	48	.71			.50	.36
	4.1	.5	0.98		15	49	.69			.49	.34
	4.6	.5	0.91		15	47	.72			.46	.33
	5.1	.4	0.95		15	53	.62			.38	.24
	5.4	.35	0.95		10	49	.47			.33	.16
EW 5.8	5.8	.2	0								
	4.6	.46									2.22
outflow from Camas Creek											

RECEIVED
SEP 10 1970
FBI

of _____ Sheets. Comp. by P.W.H. Chk. by P.W.H.

LJ-200
1-63

LOSS MEASUREMENT

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Date Aug 2, 1970 DISCHARGE MEASUREMENT NOTES 245 PM
Walker Ditch River at East Idmon Corner (Kilgore)

Sta.	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
0	.75				-	-					
1.5	.25	.45			3	49	.155			.56	.87
2.5	1.0	.80			10	44	.560			.80	.42
3.5	1.0	1.42			15	51	.667			1.42	.95
4.5	1.50	1.50			15	60	.570			1.50	.86
5.5	1.00	1.42			15	56	.609			1.42	.86
6.5	1.45	1.17			10	48	.498			1.70	.81
9.5											
8.4	.95	6			0	40	-				4.77
8.4	8.4										
3/4 mile of East of Idmon Corner											
1/4 mile N of Aired middle fence											

MICROFILMED

Loss measurement # 3

LJ-200
1-63

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Date Sept 2, 1970 DISCHARGE MEASUREMENT NOTES 2:10 PM
Camas Creek River at East of Idman Corner

Station	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or -----	Area	Discharge
							At point	Mean in vertical			
	1.50	.75	0		-	-					
	3.00	2.25	.47		15	41	825			1.06	.87
	6.00	3.00	.59		25	49	1.14			1.77	2.02
	9.00	3.00	.59		25	40	1.40			1.77	2.48
	12.00	3.00	.50		25	44	1.27			1.50	1.91
	15.00	3.00	.45		25	40	1.40			1.35	1.89
	18.00	3.00	.34		25	41	1.36			1.02	1.39
	21.00	2.85	.28		15	44	1.70			.80	.60
	23.70	1.35	-		0	40	-			11.16	
	22.2	2.44									

RECEIVED
SEP 10 1970
FEDERAL BUREAU OF SURVEY
WASHINGTON, D.C.

September 23, 1970

Re: Transfer Application 31-0004

Albaugh, Bloem, Smith & Pike
Mr. A. L. Smith
P. O. Box 426
Idaho Falls, Idaho 83401

Dear Mr. Smith:

On September 2 this office conducted gain-loss measurements on Camas Creek in the vicinity of the proposed transfer to determine what charges would be made against Mr. Laird's water right in the event said application for transfer was approved. Those measurements indicate the loss at that time was in excess of 36 percent. If you need details regarding the measurements, we will be happy to supply you with them.

I felt that this information might affect your decision as to how to proceed in the matter regarding the above-numbered application for transfer. I would appreciate hearing from you as soon as possible as to the status of your negotiations on the above application.

If you have any questions, please contact me.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:cc

cc: Rigby & Thatcher

Identification No. 31-0004

Transfer No. 1629

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

1. Name of Right Holder LAIRD & JONES, INC., a corporation.
Post office address Dubois, Idaho 83423
2. Right obtained by:
a. Decree to State of Idaho in Case of Sauve
(Name)
vs. Abbott, Dated _____ in U.S. District Court for District
(Name of Court)
of Idaho, Eastern Division
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Camas Creek tributary to Mud Lake
(Name of stream or source)
4. Date of Priority May 15, 1888 /
5. Amount of water a. 3.2 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from April 15 to November 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is SE 1/4 NE 1/4 of Section 7
Township 12 North, Range 39 East, B.M., in Clark County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

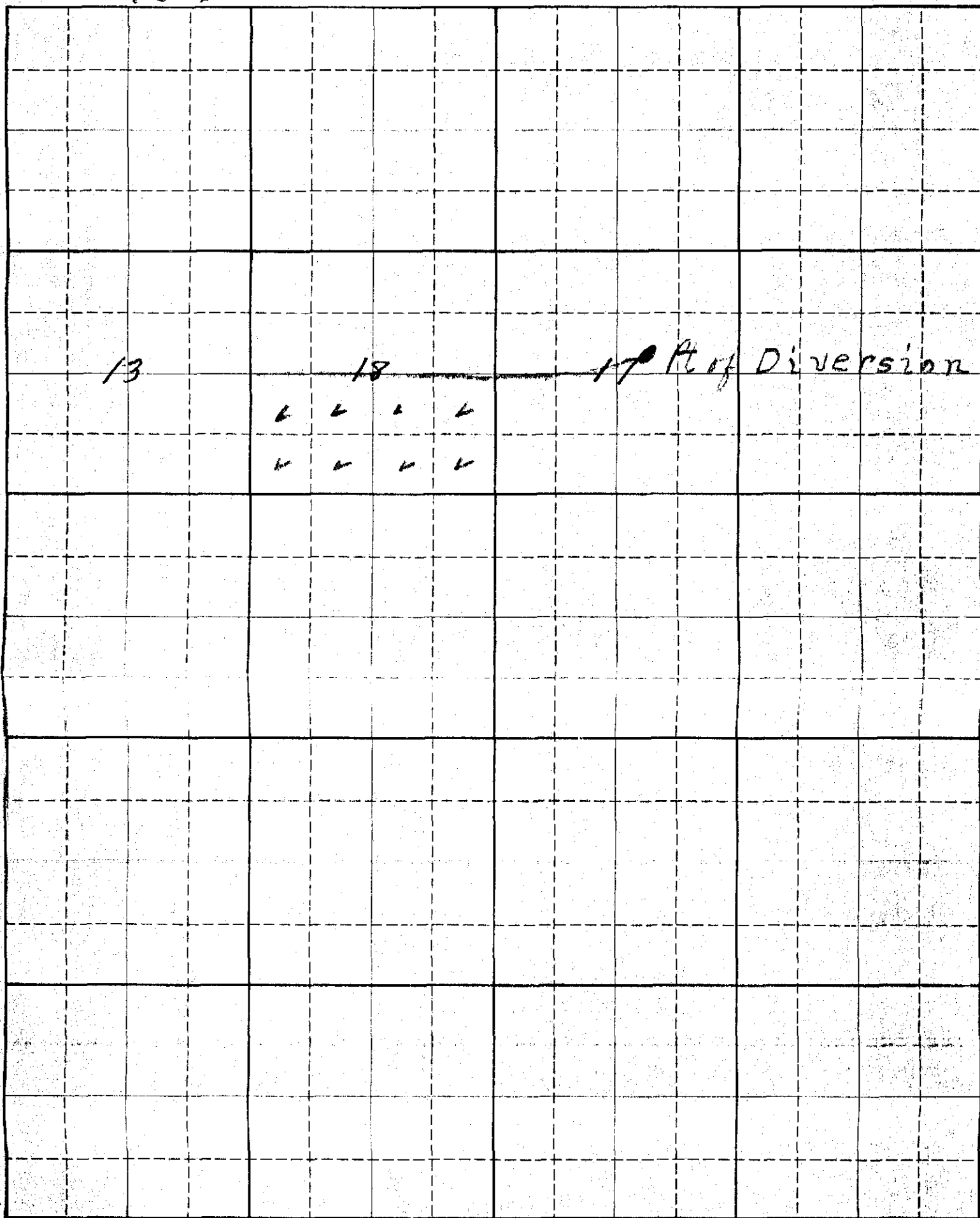
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12 N	39 E	18	40			40									40			40	160

Total number of acres presently irrigated 160

MICROFILM

N 36 E

N 37 E



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

MICROFILM

9. If applicant was not the original holder of this right explain how it was acquired:_____

Land and water purchased from State of Idaho.

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 3.2 c.f.s. and/or _____ acre feet

b. New point of diversion: SW 1/4 NE 1/4, Section 17, Township 9 N
_____, Range 37 E., B.M.

c. Description of method of diversion and conveyance from new points of diversion: _____
Headgate and open ditch from point of diversion to place
of use.

d. Is water to be conveyed to the lands previously irrigated? Yes _____ No X

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

To divert water to dry land now owned by applicant which
will be more fertile and productive than land on which
water is presently used.

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

g. Do you intend to abandon completely the old point of diversion? Yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9 N	37 E	18									20	20	20	20	20	20	20	20	160

Total number of acres to be irrigated 160

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

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

Will no longer irrigate the lands previously irrigated by
this right, as the new land will be more productive when
irrigated.

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

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

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

LAIRD & JONES, INC., a corporation,

By J. H. Laird
(signature of applicant) **President**

Subscribed and sworn to before me this 8th day of January, 1970

De W. E. Edwards
(notary public)

My commission expires November 11, 1970

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

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

1. Approval of said application is subject to the following limitations and conditions:

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

Witness my hand this _____ day of _____, 19____.

State Reclamation Engineer

RECEIVED
JAN 10 1970
STATE RECLAMATION ENGINEER

August 6, 1970

Re: Transfer Applications Nos. 31-0003 & 31-0004

C
O
Albaugh, Bloem, Smith & Pike
Mr. A. L. Smith
P.O. Box 428
Idaho Falls, Idaho 83401

Dear Mr. Smith:

P
At the conference we held on June 17, 1970, concerning the above numbered transfer applications, you, along with the attorneys for the protestants, stated that you would try and reach an agreement within 30 days. That time period has elapsed and as of this date we have not been notified of any such agreement being reached. If you have reached an agreement, please send us a copy of it, and if you have not reached an agreement, please notify us in order that we might set this matter for a formal hearing.

Very truly yours,

Y
C. Stephen Allred
Deputy Director

CSA:kh

Certified No. 22081

August 6, 1970

Re: Transfer Application Nos. 31-0003 & 31-0004

C
Rigby & Thatcher
25 North 2nd East
Rexburg, Idaho 83440

O
Gentlemen:

P
At the conference we held on June 17, 1970, concerning the above numbered transfer applications, you, along with the attorney for the applicants, stated that you would try and reach an agreement within 30 days. That time period has elapsed and as of this date we have not been notified of any such agreement being reached. If you have reached an agreement, please send us a copy of it, and if you have not reached an agreement, please notify us in order that we might set this matter for a formal hearing.

Very truly yours,

Y
C. Stephen Allred
Deputy Director

CSA:kh

Certified No. 22082

July 22, 1970

Re: Transfer Application Nos. 31-0003 & 31-0004

C
Rigby & Thatcher
25 North 2nd East
Rexburg, Idaho 83440

Gentlemen:

O
At the conference we held on June 17, 1970, concerning the above numbered transfer applications, you, along with the attorney for the applicants, stated that you would try and reach an agreement within 30 days. That time period has elapsed and as of this date we have not been notified of any such agreement being reached. If you have reached an agreement, please send us a copy of it, and if you have not reached an agreement, please notify us in order that we might set this matter for a formal hearing.

P
Very truly yours,

Y
C. Stephen Allred
Deputy Director

CSA:kh

July 22, 1970

Re: Transfer Application Nos. 31-0003 & 31-0004

C
Albaugh, Bloem, Smith & Pike
Mr. A. L. Smith
P.O. Box 428
Idaho Falls, Idaho 83401

O
Dear Mr. Smith:

P
At the conference we held on June 17, 1970, concerning the above numbered transfer applications, you, along with the attorneys for the protestants, stated that you would try and reach an agreement within 30 days. That time period has elapsed and as of this date we have not been notified of any such agreement being reached. If you have reached an agreement, please send us a copy of it, and if you have not reached an agreement, please notify us in order that we might set this matter for a formal hearing.

Very truly yours,

Y
C. Stephen Allred
Deputy Director

CSA:kh



MEMO

Re: Transfer Applications Nos. 31-0003 and 31-0004

A conference was held on June 17, 1970, between the applicants and the protestants. The applicant was represented by A. L. Smith, Attorney at Law, Idaho Falls, Idaho. The protestants were represented by Ray W. Rigby & Gordon S. Thatcher, Attorneys at Law, Rexburg, Idaho. The points at issue appear to be twofold: (1) That the moving of the point of diversion downstream would cause excessive seepage losses, (2) That the change in the place of use from the area previously irrigated would injure other users in that the area was primarily subirrigated and that the water being moved by the applicant would not be available to assist in the subirrigation of the total area. From the discussion it appears that the loss might range from 8 to 20 per cent in moving the water downstream. The parties will attempt to reach an agreement within 30 days. If such an agreement is not forthcoming, we will set the matter for formal hearing.

C. STEPHEN ALLRED, Deputy
State Reclamation Engineer

CSA:kh

Dated: June 22, 1970

RECEIVED

ROSTER OF ATTENDANCE

31-0003 & 31-0004 - Laird & Jones, Inc.
 Probate Court Room, Bonneville County Courthouse, Idaho Falls
 June 17, 1970 at 1:30 p.m.

NAME	ADDRESS	REPRESENTING
Gordon S. Thatcher	Rexburg, Idaho	Attorney - Protestants
Ray W. Rigby	" "	" "
L. J. Hansen	Park, Idaho	
W. L. Robertson	Route #2 Rexburg, Idaho	
Ralph Wilman	Rexburg Idaho Rt 2	
Clifford Hellman	Rexburg Idaho Rt 2	
Loren Motary	Kilgore Rt Dubois Idaho	
D. V. Hagenbarth	" " " "	
Ray Sanders	Harmon, Idaho	
JOE A. LAIRD		
Donald W. Shenton	RIGBY, IDAHO	
B Lane Smith	Dubois, Idaho	
Sherman Halverson	" " "	
	Kilgore Ida.	
R. P. Price	Rt 1 City	
Hugh Jensen	Rexburg Idaho Rt. 2.	
Lawrence E. Erickson	Kilgore Rte Dubois, Idaho	
Harold Liddoway	Teton City - Idaho	
Don Vadnaia	Kilgore Rt. Dubois, Idaho	
Roy McCormick	Kilgore Rt Dubois Idaho	
Bill Hunter	Kilgore	
Ed Vadnaia	Kilgore Idaho	
J. L. Bennett	Kilgore Rt Dubois Ida	
Wayne Walker	Rigby Ida Rt 1	
A. H. Smith	Idaho Falls, Idaho, attorney for petitioner	
J. Allen Baird	Dubois - Idaho	

MICROFILMED

Parties will attempt to reach
agreement within 30 days - if
no agreement will reset hearing.

RECEIVED

6-17-70.

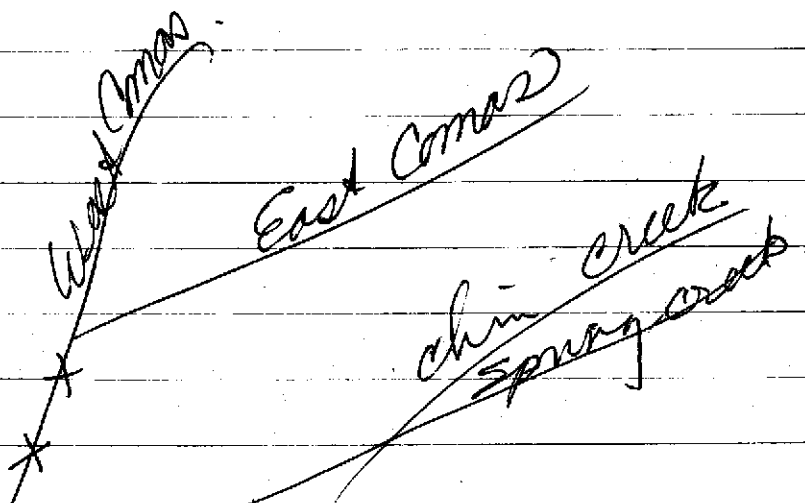
31-0003.
-0004

Applicant - Smith
~~Potential~~ - Rieby
- shaver

2. Comment on how do we measure losses
6. Change in method of application

1963 8% loss from 10 mile to localy Bridge
41% to runs diversion

1966 10.98 to localy Bridge



not call water from sources coming
in below

MICROFILMED

**NAME AND
ADDRESS
OF SENDER**

Department of Education

Indicate type of mail

☐ INSURED ☐ C.O.D.

☒ CERTIFIED

After stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

RESTRICTED DELIVERY FEE

DD Form 3877-A - July 1958		NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS		POSTAGE	FEE	IF C & D	AMT	FEE	FEE	FEE	REMARKS
NUMBER OF ARTICLE											
1	21871	Reg me comick	Relique Idaho	06							
2	21872	Reg me comick	Relique Idaho	06							
3	21873	Reg me comick	Relique Idaho	06							
4	21874	Reg me comick	Relique Idaho	06							
5	21875	Reg me comick	Relique Idaho	06							
6	21876	Reg me comick	Relique Idaho	06							
7	21877	Reg me comick	Relique Idaho	06							
8	21878	Reg me comick	Relique Idaho	06							
9	21879	Reg me comick	Relique Idaho	06							
10	21880	Reg me comick	Relique Idaho	06							
11	21881	Reg me comick	Relique Idaho	06							
12	21882	Reg me comick	Relique Idaho	06							
13	21883	Reg me comick	Relique Idaho	06							
14	21884	Reg me comick	Relique Idaho	06							
15	21885	Reg me comick	Relique Idaho	06							
16	21886	Reg me comick	Relique Idaho	06							
17	21887	Reg me comick	Relique Idaho	06							
18	21888	Reg me comick	Relique Idaho	06							
19	21889	Reg me comick	Relique Idaho	06							
20											

TOTAL NUMBER OF
 PIECES LISTED
 AT POST OFFICE
 POSTMASTER, PER (Name of receiving employee)
 IF "Fragile," "Fragile-Liquid," and "Fragile-Liquid - This Side Up" charges apply only to fourth-class parcels. Special delivery service also included.
 Special handling charges.

1-000310001

Mark "F" for "Fragile," "P" for "Perishable," "E" for "Eggs," "EH" for "Eggs for Hatching," "B" for "Breakable," "FL" for "Fragile Liquid," and "FLU" for "Fragile Liquid - This Side Up."
If "Breakable," "Fragile Liquid," and "FLU" charges apply only to fourth-class parcels. Special delivery service also included.
* Special handling charges apply only to fourth-class parcels. Special delivery service also included.
Special handling service.

NAME AND ADDRESS OF SENDER

Department of Education

Indicate type of mail:
☐ INSURED
☒ REGISTERED
☐ C. O. D.

Postmark here if issued as certificate of mailing or for additional copies of this bill.

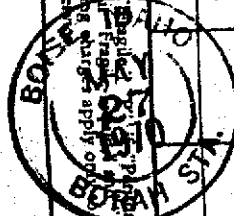
POSTMARK AND DATE OF RECEIPT

POD Form 3877-A—July 1958

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER (ENCLOSURE IF C. O. D.)	ADDITIONAL	S. D. FEE	S. M. FEE	RESTRICTED DELIVERY FEE
1	21858 J. A. Luttinger 700 Box 1780 Boise, Idaho	06	30			15		27-7008
2	21859 J. A. Luttinger Route 1, Box 279, Blackfoot, Idaho	06	30			15		27-7008
3	21860 John L. Luttinger 11 Day Blvd. Blackfoot, Idaho	06	30			15		11-7012
4	21861 Paul J. Luttinger Box 337, Montpelier, Idaho	06	30			15		11-7012
5	21862 Ernest Smith 21301 E. Ave. Idaho	06	30			15		13-7010
6	21863 Day L. Luttinger 227 Washington Blvd. Idaho	06	30			15		13-7010
7	21864 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
8	21865 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
9	21866 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
10	21867 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
11	21868 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
12	21869 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
13	21870 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
14	21871 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
15	21872 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
16	21873 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
17	21874 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
18	21875 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
19	21876 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010
20	21877 J. A. Luttinger 1005 21st St. Idaho	06	30			15		13-7010

U. S. GOVERNMENT PRINTING OFFICE

428-15-71348-2



Mark "F" if "Fragile" or "Fragile-Liquid" or "Fragile-Liquid-This Side Up".
 Mark "E" if "Eggs".
 Mark "H" if "Hatching".
 Mark "B" if "Batteries".
 Mark "C" if "Cigarettes".
 Mark "D" if "Deli-Cat".
 Mark "L" if "Liquor".
 Mark "M" if "Mail".
 Mark "N" if "News".
 Mark "O" if "Other".
 Mark "P" if "Postage".
 Mark "R" if "Registered".
 Mark "S" if "Special Handling".
 Mark "T" if "Teletype".
 Mark "U" if "Urgent".
 Mark "V" if "Voting".
 Mark "W" if "Weight".
 Mark "X" if "X-ray".
 Mark "Y" if "Yacht".
 Mark "Z" if "Zoo".

INDUSTRY FIELD

cards in file 31

31.0004

May 27, 1970

Probate Court
Bonneville County Courthouse
Idaho Falls, Idaho 83401

Dear Sir:

This letter is to confirm the use of a room for meetings to
be held by this office during the entire day of June 17, 1970.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Hearing notices mailed to the following people

Name & Address	Certified No.
✓ Laird & Jones, Inc., Dubois, Idaho	21868
✓ Rigby & Thatcher, Mr. Gordon S. Thatcher 25 North 2nd East, Rexburg, Idaho	21869
✓ Albaugh, Bloem, Smith & Pike, Mr. Ralph L. Albaugh P.O. Box 428, Idaho Falls, Idaho	21870
✓ Roy McCormick, Kilgore, Idaho	21871
✓ Kenneth L. Bennett, Kilgore, Idaho	21872
✓ Loren J. McGarry, Kilgore, Idaho	21873
Glen H. Stoddard, Kilgore, Idaho	21874
✓ Ted Vadnais, Kilgore, Idaho	21875
✓ Howard E. Frederiksen, Kilgore, Idaho	21876
✓ Sherman Halverson, Kilgore, Idaho	21877
John A. Larick, Kilgore, Idaho	21878
Arthur J. Munns, Thornton, Idaho	21879
✓ Ralph L. Hillman, Route 2, Rexburg, Idaho	21880
✓ P. T. Rasmussen, Parker, Idaho	21881
Cleo Harrop, Lorenzo, Idaho	21882
Irvin Harrop, Rigby, Idaho	21883
Ernest Siddoway, Teton, Idaho	21884
✓ Harold Siddoway, Teton City, Idaho	21885
Emmit Hunter, St. Anthony, Idaho	21886
✓ Hugh Jensen, Route 2, Rexburg, Idaho	21887
✓ Dyle Robertson, Route 2, Rexburg, Idaho	21888
✓ Clifford E. Hillman, Route 2, Rexburg, Idaho	21889

Copy of protests enclosed with Laird & Jones, Inc.

MICROFILMED

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
TRANSFER NOS. 31-0003 & 31-0004 in the)
name of LAIRD & JONES, INC.)

NOTICE OF CONFERENCE
AND/OR HEARING ON PROTEST

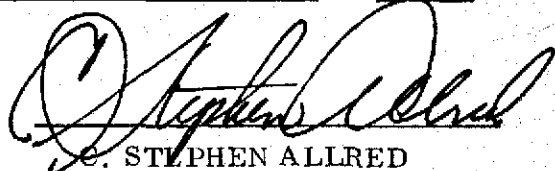
On January 13, 1970, Laird & Jones, Inc., Dubois, Idaho, filed with the Department of Reclamation two applications for transfer of water right. On February 9, 1970, the Department of Reclamation received protests against approval of these two transfers from the following individuals: John A. Larick, Sherman Halverson, Howard E. Frederiksen, Ted Vadnais, Glen H. Stoddard, Loren J. McGarry, Kenneth L. Bennett, Roy McCormick all of Kilgore, Idaho; Ralph L. Hillman, Hugh Jensen, Clifford Hillman, Dyle Robertson all of Rexburg; Emmit Hunter, St. Anthony, Idaho; Harold Siddoway, Teton City, Idaho; Ernest Siddoway, Teton, Idaho; Arthur J. Munns, Thornton, Idaho; P. T. Rasmussen, Parker, Idaho; Cleo J. Harrop, Lorenzo, Idaho; and Irvin Harrop, Rigby, Idaho.

The Department of Reclamation has set the matter of protest for conference and/or hearing on June 17, 1970, at 1:30 p.m., in the Probate Court Room, Bonneville County Courthouse, Idaho Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Reclamation. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicants or protestants may allow the Department of Reclamation without prejudice to dismiss the protests or the transfer applications. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 27 day of May, 19 70.


C. STEPHEN ALLRED
Deputy State Reclamation Engineer

Mailed this 27th day of May, 1970, to _____

See attached sheet

RECEIVED

April 30, 1970

Re: Application for Transfer Nos.
31-0003 and 31-0004

Mr. Ralph L. Albaugh
P. O. Box 428
Idaho Falls, Idaho 83401

Dear Mr. Albaugh:

With reference to your letter of April 13, 1970, please be advised that the two transfer applications have been protested. We are enclosing a copy of our letter of February 12, 1970 to the applicants. We are also enclosing a copy of the protests filed in connection with the transfers.

We propose to hold a conference and/or hearing on the matter during the first half of June 1970 and we shall notify you as to the date set for such conference and/or hearing. If you have need of any additional information, please do not hesitate to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:tg

Enc: copy of protest
copy of 2-12-70 letter

LAW OFFICES OF
ALBAUGH, BLOEM, SMITH & PIKE
P. O. Box 428
IDAHO FALLS, IDAHO 83401

RALPH L. ALBAUGH
JOHN L. BLOEM
ARTHUR L. SMITH
EDWARD W. PIKE
ROBERT J. FANNING

Department of Reclamation
FOURTH FLOOR
ROGERS ANNEX BUILDING
TELEPHONE 522-6291

April 13, 1970

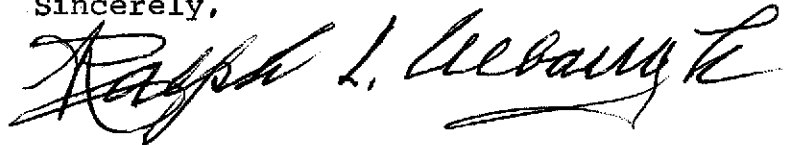
State Department of Reclamation
State House Annex 2
Boise, Idaho 83707

Gentlemen: Re: Laird & Jones, Inc.

You will recall that last January we filed an application to change the point of diversion and place of use of a water right in Camas Creek, Clark County, Idaho, for Laird & Jones, being your transfer number 31-0003 and 31-0004.

Can you give us any information as to when these protests will probably be set for hearing. Any information you can give us will be appreciated.

Sincerely,



Ralph L. Albaugh

j

RECEIVED
APR 14 1970
STATE DEPARTMENT OF RECLAMATION

March 11, 1970

Re: Applications for Transfer Nos. 31-0003 and 31-0004

Rigby & Thatcher
P.O. Box 362
Rexburg, Idaho 83440

Attn: Gordon S. Thatcher

Dear Mr. Thatcher:

We are in receipt of your letter, of February 25, 1970. We have noted your request to advise each of the protestants directly as to any date set for hearing.

If we can assist you further, please advise us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

C
O
P
Y

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

RAY W. RIGBY
GORDON S. THATCHER

February 25, 1970

RECEIVED
Department of Reclamation
TELEPHONE
356.3483
AREA CODE 208

Donald W. McEldowney
Appropriation Examiner
State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Re: Application for Transfer Nos. 31-0003 and 31-0004

Dear Mr. McEldowney:

Thank you very much for your letter of February 12, 1970.
If it is not too much trouble, it would greatly assist us if you
would notify each individual protestant of the date set for the
hearing, in addition to the notice to us.

Yours very truly,


of RIGBY & THATCHER

cn

MICROFILMED

RECEIVED
JUN 11 1970
FOURTH FLOOR
ROGERS ANNEX BUILDING
DEPARTMENT OF JUSTICE
HEALING 622-6291

FOURTH FLOOR
ROGERS ANNET BUILDING
TELEPHONE 522-6291

j

February 13, 1970

Re: Applications for Transfer of Water Rights Nos. 31-0003 & 31-0004

Mr. John A. Larick
Kilgore,
Idaho 83423

Dear Mr. Larick:

This letter is to acknowledge receipt of your protest to the above numbered applications for transfer. The department will advise you at a later date as to the time, place, and date set for a conference and/or a hearing to review the matters of protest.

If you have any questions, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

February 13, 1970

Re: Applications for Transfer of Water Rights Nos. 31-0003 & 31-0004

Mr. Sherman Halverson
Kilgore,
Idaho 83423

Dear Mr. Halverson:

This letter is to acknowledge receipt of your protest to the above numbered applications for transfer. The department will advise you at a later date as to the time, place, and date set for a conference and/or a hearing to review the matters of protest.

If you have any questions, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

February 13, 1970

Re: Applications for Transfer of Water Right Nos. 31-0003 & 31-0004

Mr. Howard E. Frederiksen
Kilgore,
Idaho 83423

Dear Mr. Frederiksen:

This letter is to acknowledge receipt of your protest to the above numbered applications for transfer. The department will advise you at a later date as to the time, place, and date set for a conference and/or a hearing to review the matters of protest.

If you have any questions, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

February 13, 1970

Re: Applications for Transfer of Water Right Nos. 31-0003 & 31-0004

Mr. Ted Vadnais
Kilgore,
Idaho 83423

Dear Mr. Vadnais:

This letter is to acknowledge receipt of your protest to the above numbered applications for transfer. The department will advise you at a later date as to the time, place, and date set for a conference and/or a hearing to review the matters of protest.

If you have any questions, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

February 13, 1970

Re: Applications for Transfer of Water Rights Nos. 31-0003 & 31-0004

Mr. Glen H. Stoddard
Kilgore,
Idaho 83423

Dear Mr. Stoddard:

This letter is to acknowledge receipt of your protest to the above numbered applications for transfer. The department will advise you at a later date as to the time, place, and date set for a conference and/or a hearing to review the matters of protest.

Please contact us if you have any questions.

Very truly yours,

Donald W. McEldownay
Appropriation Examiner

DWM:kh

February 13, 1970

Re: Applications for Transfer of Water Rights Nos. 31-0003 & 31-0004

Mr. Loren J. McCarry
Kilgore,
Idaho 83423

Dear Mr. McCarry:

This letter is to acknowledge receipt of your protest to the above numbered applications for transfer. The department will advise you at a later date as to the time, place, and date set for a conference and/or a hearing to review the matters of protest.

Please contact us if you have any questions.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

February 13, 1970

Re: Applications for Transfer of Water Right Nos. 31-0003 & 31-0004

Mr. Kenneth L. Bennett
Kilgore,
Idaho 83423

Dear Mr. Bennett:

This letter is to acknowledge receipt of your protest to the above numbered applications for transfer. The department will advise you at a later date as to the time, place, and date set for a conference and/or a hearing to review the matters of protest.

Please contact us if you have any questions.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

February 13, 1970

Re: Applications for Transfer of Water Right Nos. 31-0004 & 31-0003

Mr. Roy McCormick
Kilgore,
Idaho 83423

Dear Mr. McCormick:

This letter is to acknowledge receipt of your protest to the above numbered applications for transfer. The department will advise you at a later date as to the time, place, and date set for a conference and/or a hearing to review the matters of protest.

Please contact us if you have any questions.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

February 12, 1970

Re: Applications for Transfer Nos. 31-0003 and 31-0004

Laird & Jones, Inc.
Dubois,
Idaho 83423

Gentlemen:

We are enclosing copies of the protests which this department has received against issuance of your above numbered transfers of water right. We will notify you at a later date as to the time, place, and date set for a conference and/or a hearing to review the matters of protest.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Enclosures

February 12, 1970

Re: Application for Transfer Nos. 31-0003 and 31-0004

Rigby & Thatcher
25 N. 2nd East
Pezburg, Idaho 83440

Attn: Gordon S. Thatcher:

Dear Mr. Thatcher:

This letter is to acknowledge receipt of the protests to the above numbered applications for transfer, which you filed in behalf of your clients. The department will advise you at a later date as to the time, place, and date set for a conference and/or a hearing to review the matters of protest. We would appreciate being informed as to whether you desire us to notify each individual protestant as to the date set for hearing, or if upon receipt of the notification of the date set for hearing, you will advise each of your clients yourself.

Please contact us, if we can be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Identification No. 31-0004

Transfer No. 1529

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Donald W. Shenton, watermaster of Department of Reclamation
of Water District No. 66, County of Clark, State of Idaho,
whose address is Box 33X, Dubois, Idaho,
have read the attached copy of the application for transfer of water right for
Laird & Jones, Inc., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

*I endorse application in the event there be no protests
from water users in Kilgore area. I believe they might protest
movement of water so far down stream at a stream loss
with a priority which is better than any in the Kilgore
area. It would give Laird and Jones a demand edge
on the upper area if the OR water shall.*

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons:

*I don't blame Laird & Jones for wanting to move
his water because of much more favorable conditions
all the way around for him.*

Dated at Dubois, Idaho, Idaho, this 20 day of January, 1970.

Donald W. Shenton
(Signature)

RECEIVED

January 16, 1970

Re: Applications for Transfer of Water Rights

Mr. Donald W. Shenton
Box 331
Dubois, Idaho 83423

Dear Mr. Shenton:

Enclosed you will find two recommendation forms for you to fill out and return to this office. We would appreciate your co-operation on this matter, since the transfers can not be approved until we are in receipt of the completed recommendation forms.

We are also enclosing copies of the applications for transfer.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh
Enclosures

January 16, 1970

Re: Applications for Transfers No. 31-0004 - Laird & Jones, Inc.
31-0003 - Laird & Jones, Inc.

Clark County Enterprise
Dubois,
Idaho 83423

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McKidoway
Appropriation Examiner

DWM:kh
Enclosures

PUBLIC NOTICE
NOTICE OF APPLICATION TO
CHANGE WATER RIGHT
NO. 31-0004

Notice is hereby given that Laird & Jones, Inc. of Dubois, Idaho, who holds a water right by virtue of a decree for the diversion of 3.2 c.f.s. of the waters of Camas Creek tributary to Mud Lake Priority May 15, 1888;

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 12N, R. 39 E B.M.

Place of Use: E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 18, T. 12 N., R. 39 E., B.M. has applied to the Department of Reclamation of the State of Idaho to change the point of diversion and place of use under the above described water right to the point of diversion within SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17, T. 9 N., R. 37 E., B.M., and place of use within the S $\frac{1}{2}$ Sec. 18, T. 9 N., R. 37 E., B.M.

Any protests against this proposed change of water right must be filed with the Department of Reclamation, Statehouse-Armex 2, Boise, Idaho 83707, within 10 days of the last date of publication.

Published on January 22 and January 29, 1970.

R. KETH HIGGINSON
State Reclamation Engineer

RECEIVED
JAN 29 1970

*Enterprise
Dubois Idaho*

NOTICE OF APPLICATION TO CHANGE WATER RIGHT NO. 31-0004

Notice is hereby given that Laird & Jones, Inc.
of Dubois, Idaho, who holds a water right by
virtue of a decree _____ for the diversion of 3.2
(license, decree, claim)
c.f.s. of the waters of Camas Creek tributary to Mud Lake
Priority May 15, 1888 ;
Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7, T. 12N., R. 39 E.
B. M.
Place of Use: E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 18, T. 12 N., R. 39 E., B.M.

has applied to the Department of Reclamation of the State of
Idaho to change the point of diversion and place of use
under the above described water right to the point of diversion
within SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17, T. 9 N., R. 37 E., B.M., and place of use
within the S $\frac{1}{2}$ Sec. 18, T. 9 N., R. 37 E., B.M.

Any protests against this proposed change of water right
must be filed with the Department of Reclamation, Statehouse-
Annex 2, Boise, Idaho 83707, within 10 days of the last date
of publication.

Published on January 22nd and January 29th.

R. KEITH HIGGINSON
State Reclamation Engineer

RECEIVED

JAN 13 1970

LAW OFFICES OF
ALBAUGH, BLOEM, SMITH & PIKE

P. O. Box 428

IDAHO FALLS, IDAHO 83401

RALPH L. ALBAUGH
JOHN L. BLOEM
ARTHUR L. SMITH
EDWARD W. PIKE
ROBERT J. FANNING

Department of Reclamation

FOURTH FLOOR
ROGERS ANNEX BUILDING
TELEPHONE 522-6291

January 9, 1970

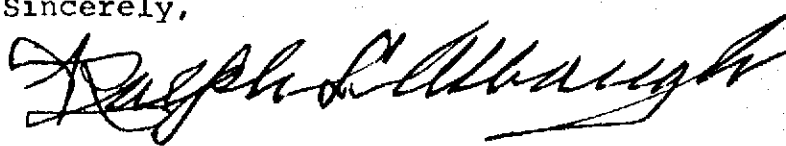
Idaho Department of Reclamation
State House, Annex 2
Boise, Idaho 83707

Gentlemen: Re: Laird & Jones, Inc.

Enclosed is application of Laird & Jones, Inc., a corporation, to change the point of diversion and place of use of 2.5 cfs of waters of Camas Creek in Clark County, Idaho, with a date of priority of June 1, 1897, and another application to change the point of diversion and place of use of 3.2 cfs of water from Camas Creek, Clark County, Idaho, with a priority of May 15, 1888, also our check to your order for \$40.00 to cover costs of publication and other charges in connection with this transfer.

We trust you will find these in order.

Sincerely,



Ralph L. Albaugh

j
encls

RECEIVED