

SEC. 17

SEC. 16

SEC. 15

SEC. 20

SEC. 29

SEC. 32

SEC. 5

SEC. 8

SEC. 21

SEC. 28

SEC. 33

SEC. 4

SEC. 9

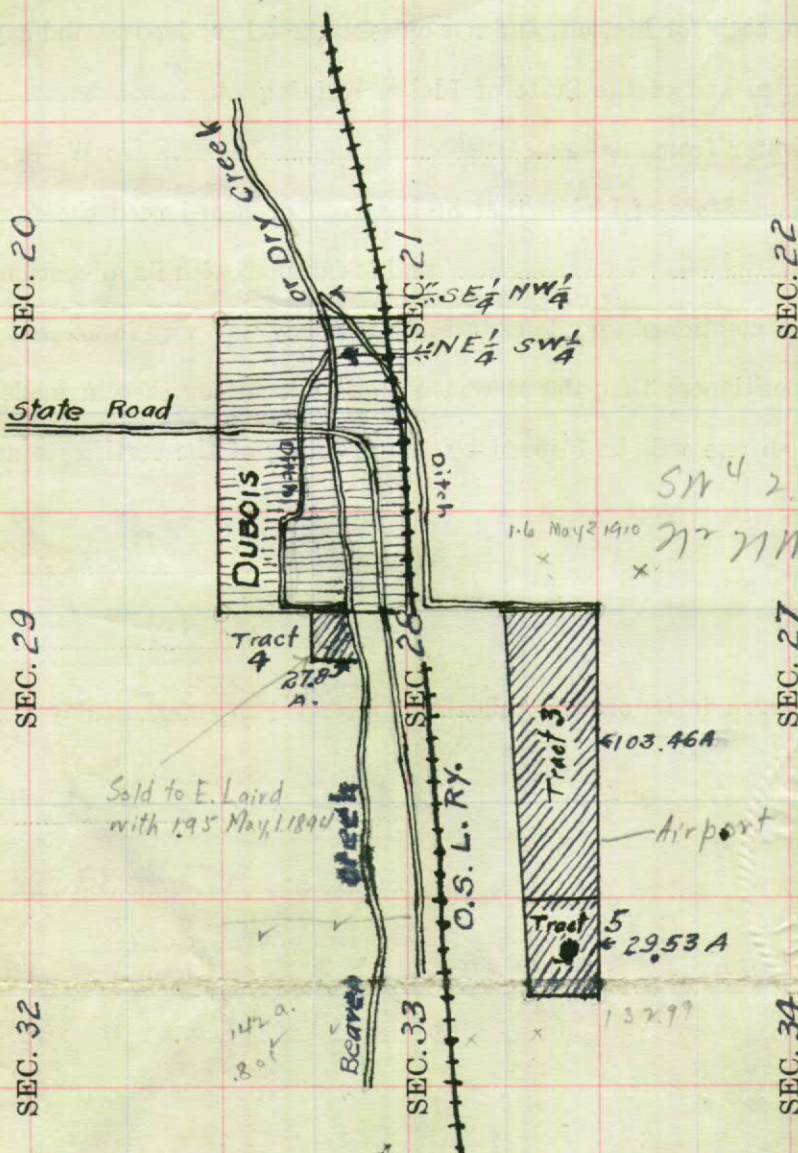
SEC. 22

SEC. 27

SEC. 34

SEC. 3

SEC. 10



SW 1/4 21 160 City of
NW 1/4 28 80 Dubois.
1-6 May 2 1910

Sold to E. Laird
with 195 May 1 1894

103.46A

29.53A

132.99

LAND IRRIGATED

LAND TO BE
IRRIGATED

Water from Airport
NW 1/4 Sec 33 sold to
Katsenones with 8 Sept 10 1892 +
8 May 1 1894
NE 1/4 Sec 28 +
NW 1/4 NW 1/4 Sec 27 with 16 of May 2 1910

T. 10 N R. 36 E.

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

ENCLOSURE

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

	Laird, James	4.44		31-0121
591	Laird, James	3.64	0.80	31-0121A

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SECRET

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right Number 591

THIS IS TO Certify that JAMES LAIRD, of Idaho Falls, Idaho, is the owner of and using a certain water right, bearing date of priority of September 10, 1892, for 3.64 cubic feet per second of the waters of DRY CREEK, in the County of Clark, said water being decreed to said James Laird by decree of Judge Charles C. Cavanah of the District Court of the United States for the District of Idaho, Eastern Division, in the case of

EARNEST SAUVE

-vs-

W. H. ABBOTT et al

said decree bearing date of November 1, 1930, for the purpose of irrigating the following described lands, situate, lying and being in Water District Number 66, in the County of Clark and State of Idaho, to-wit:

Commencing at the Southeast corner of Section 28, Township 10 North, Range 36 East; thence North along the section line to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 28; thence West 1262'; thence South $8^{\circ}15'$ East to intersect the South section line of said Section 28; thence East 1009' to the place of beginning,—excepting therefrom the following described land; Starting from a point where join the corners of Section 21, 22, 27, and 28 of Township 10 North, Range 36 East, B. M., Idaho, (bears North $0^{\circ}37'$ West); running South on the dividing line between Sections 27 and 28, 1243 feet to place of beginning; thence South $89^{\circ}23'$ West, 805 feet; thence $0^{\circ}37'$ South 212.5 feet; thence North $89^{\circ}23'$ East 805 feet; thence $0^{\circ}37'$ North 212.5 feet to place of beginning; containing (after excluding said exception) 103.46 acres. Also Tract 4. Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter of Section 28, Township 10 North, Range 36 East, B. M., (designated as point No. 1); thence East 23' South 974 feet (designated as Point No. 2); thence South 30' East 247 feet (designated as Point No. 3); thence East 67 feet (designated as Point No. 4); thence South 5° West 193 feet (designated as Point No. 5); thence South 77° West 147 feet (designated as point No. 6); thence South $4^{\circ}15'$ West 515 feet (designated as Point No. 7); thence South 10° East 324 feet (designated as Point No. 8); thence South $85^{\circ}15'$ West 839 feet (designated as Point 9); thence North 26° West 1384 feet to the place of beginning,—containing 27.8 acres. Also Tract No. 5. Commencing at the Northeast corner of Section 33, Township 10 North, Range 36 East, B. M., running thence South on the section line 1320 feet; thence West 940 feet; thence North $80^{\circ}15'$ West to intersect the section line between said Sections 33 and 28; thence East 1009 feet to the place of beginning, containing 29.53 acres.

THAT THE SAID DECREE has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 5 of Decrees, at Page 535.

THAT THE SAID applicant has become the owner of the said land and water right by the decree of said court.

THAT NOW, UPON THE application of JAMES LAIRD of Idaho Falls, Idaho, for a Certificate of Transfer of Water Right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 3.64 cubic feet per second of the waters of DRY CREEK, upon the lands above described, 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:

Southwest quarter of Section 21, Township 10 North, Range 36 East, B. M., and the North half of the Northwest quarter, Section 28, Township 10 North, Range 36 East, B. M.,

situate, lying and being in the County of Clark, State of Idaho, and said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

3.64 cubic feet per second of the waters of Dry Creek, with date of priority of September 10, 1892

THAT THE WATER RIGHT, hereby transferred, has been diverted from the said Dry Creek at points in the

Southeast quarter of the Northwest quarter and also in the Northeast quarter of the Southwest quarter of Section 21, Township 10 North, Range 36 East, B. M.,

and conducted to the lands first described herein through the Laird ditches, and will hereafter be diverted from the same points and conducted to the new place of use through the same ditches.

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 seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 26th day of July, 1938.

R. W. FARIS,
Commissioner of Reclamation

O. D. Becker
By O. D. BECKER

Supervisor of Water Distribution

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

JAMES LAIRD, of Idaho Falls,
Idaho.

For a Transfer of Water Right, in Water
District No. 66, County of Clark.

ORDER GRANTING TRANSFER

NO. 591

WHEREAS, On the 12th day of July, 1938, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of JAMES LAIRD, of Idaho Falls, Idaho, for a Transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in the due and statutory form; and

WHEREAS, No protest has been filed against the application and the evidence filed by the applicant, with the application, shows that this transfer is necessary for a more beneficial use of the water, 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 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 seal of the Department of Reclamation of the State of Idaho, to be affixed, at Boise, Idaho, this 26th day of July, 1938.

R. W. FARIS,
Commissioner of Reclamation

W. D. Becker
By Supervisor of Water Distribution

508 ✓
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 Almonda, 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 Bohnay, 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

James Laird

1892 - September 10 ³¹⁻⁰¹²¹ 4.44 c.f.s.

1894 - May 1 ^{31 122} 2.75 c.f.s.

1910 - May 2 ^{31 123} 1.6 c.f.s.

Trans. No. 591 - 816, 1892 - 3.64 cfs

Source: Dry Creek (otherwise known as Beaver Creek).

Points of Diversion: (1) A point on the West side of the main channel of Dry Creek about 10 rods South of the Northeast corner of Tract 4 described below. (2) Situate on the West side of the main channel of Dry Creek at a point about 9 rods North of the point where the main East-and-West street of the Village of Dubois crosses said creek, said point being about a half mile North of the North line of Tract 4, described below, and being about the center of the Village of Dubois, and opposite the point where the C.E.L. Railroad Company diverts and pumps water from said stream at this time. (3) Situate on the East side of the main channel of Dry Creek, approximately three-fourths of one mile North of the Northeast corner of Tract 4, described below.

For use on the following described land, to-wit:

Tract 1. The Southwest Quarter of the Northwest Quarter of Section 27, Township 10 North, Range 36 East, N. M.

Tract 2. The Northeast Quarter of the Northeast Quarter of Section 28, township and range aforesaid, containing 40.4 acres.

Tract 3. Commencing at the Southeast corner of Section 28, township and range aforesaid; thence North along the section line to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 28; thence West 1262'; thence South 8°15' East to intersect the South section line of said Section 28; thence East 1008' to the place

MICROFILMED

of beginning, -- excepting therefrom the following described land; Starting from a point where join the corners of Sections 21, 22, 27, and 28 of Township 10 North, Range 36 East, T. 10 N., Idaho, (bears North $0^{\circ}37'$ West); running South on the dividing line between Sections 27 and 28, 1248 feet to place of beginning; thence South $89^{\circ}23'$ West, 806 feet; thence $0^{\circ}37'$ South 212.5 feet; thence North $89^{\circ}23'$ East 806 feet; thence $0^{\circ}37'$ North 212.5 feet to place of beginning; containing (after excluding said exception) 106.46 acres.

Tract 4. Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter of Section 28, Township 10 North, Range 36 East, T. 10 N. (designated as Point No. 1); thence East 23' South 974 feet (designated as Point No. 2); thence South 30' East 247 feet (designated as Point No. 3); thence East 87 feet (designated as Point No. 4); thence South 8° West 193 feet (designated as Point No. 5); thence South 77° West 147 feet (designated as Point No. 6); thence South $4^{\circ}16'$ West 515 feet (designated as Point No. 7); thence South 10' East 324 feet (designated as Point No. 8); thence South $85^{\circ}15'$ West 839 feet (designated as Point 9); thence North 26° West 1384 feet to the place of beginning, -- containing 27.8 acres.

Tract 5. Commencing at the Northeast corner of Section 33, Township 10 North, Range 36 East, T. 10 N., running thence South on the section line 1320 feet; thence West 940 feet; thence North $8^{\circ}15'$ West to intersect the section line between said Sections 33 and 28; thence East 1009 feet to the place of beginning, -- containing 29.53 acres.

Tract 6. The South Half of the Northwest Quarter of Section 33,

MICROFILMED

James Laird

(continued)

Township 10 North, Range 36 East, B. M., and a tract described by notes and bounds as follows: Commencing at the Northwest corner of the South Half of the Northwest Quarter of Section 33, Township and Range aforesaid; thence North on section line 937 feet; thence East 3111 feet to intersect the public roadway; thence in a South-easterly direction along the East line of said public roadway to intersect the South line of the Northwest Quarter of the Northeast Quarter of Section 33; thence East 3224 feet to the place of beginning, -- containing 153.18 acres.

591
Trans.
August 1, 1938

GRANT SOULE
Village Attorney
Dubois, Idaho

Dear Mr. Soule:

We have your letter of July 29, in which you enclose Certificate of Transfer of James Laird, which Mr. Laird sent to you.

We have sent Mr. Laird a corrected copy of the third sheet, which he no doubt will turn over to you. We are here-with enclosing the first two sheets of the transfer which you will please attach to the corrected sheet sent to Mr. Laird.

We have also sent Mr. Henninger, watermaster of Water District No. 66, a corrected sheet. We wish to thank you for sending Mr. Laird's transfer to us for correction.

Yours very truly,

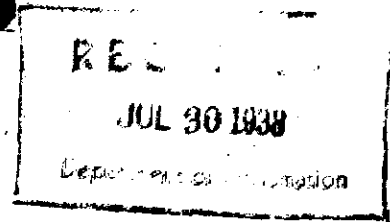
R. W. FARIS,
Commissioner of Reclamation

By O. D. HECKER,
Supervisor of Water Distribution

ODE/c1
Enc.

MICROFILMED

GRANT W SOULE
LAWYER
DUBOIS, IDAHO



July 29, 1938.

Department of Reclamation,
State House,
Boise, Idaho.

Dear sir:-

Yesterday I wrote you with regard to the Certificate of Transfer of the James Laird water right to the Village of Dubois. I have today received from Mr. James Laird the Certificate of transfer which you sent him. I am mailing it to you herewith, for the event of your wishing to correct it. I see from the letter which you sent Mr. James Laird, that you also sent a copy to Mr. Elvin Henninger. I shall not be so presumtuous as to go to Mr. Henninger and ask him to return his copy to you. You will of course write him to recall the copy, if you wish to correct same.

Truly indeed.

RECEIVED

Trans-591
July 29, 1933

ELVIN W. HEENINGER
Watermaster
Dubois, Idaho

Dear Mr. Heeninger:

Several days ago you received a Certificate of Transfer, No. 591, in which James Laird is making transfer of water right.

We have been notified of several errors in the above mentioned certificate and are herewith sending you a corrected copy of the last page thereof. Please return the original to us and accept the enclosed in its place.

Yours very truly,

R. W. PARIS,
Commissioner of Reclamation

By O. P. ECKER,
Supervisor of Water Distribution

ODE/e1
Enc.

MICROFILMED

Trans 591

July 29, 1938

JAMES LAIRD
1265 Canal Street
Idaho Falls, Idaho

Dear Mr. Laird:

Several days ago you received a Certificate of Transfer, No. 591, in which you were granted the right to transfer your water right.

We have been notified of several errors in the above-mentioned certificate and are herewith sending you a corrected copy of the last page thereof. Please return the original to us and accept the enclosed in its place.

Yours very truly,

R. W. FARIS,
Commissioner of Reclamation

By O. D. BECKER,
Supervisor of Water Distribution

ODB/ci
Enc.

MICROFILMED

GRANT W SOULE

LAWYER

DUBOIS, IDAHO

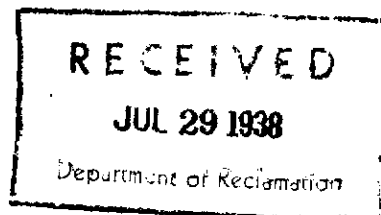
July 28, 1938.

Department of Reclamation,

State House,

Boise, Idaho.

Dear sirs;-



I have your letter of July 26th in which you enclose Certificate of Transfer in the James Laird water right. May I suggest that there is one place in which I think there is substantial room for improvement. As to the points of diversion and the ditches there is a little confusion as to the singular and plural senses. I shall write in this letter the way it appeals to me to be a little the clearer,- underlining my insertions.

"That the water right, hereby transferred has been diverted from the said Dry Creek at a point in the

Southeast quarter of the northwest quarter, and also at a point in the Northeast quarter of Southwest quarter, in section 21, Township 10 North, Range 36 East, Boise Meridian, Idaho,

and conducted to the lands first described herein through the Laird ditches, and will hereafter be diverted from the same points and conducted to the new place of use through the same ditches."

I am returning the Certificate to you herewith that you may correct the same, if you so choose. If you "do not choose", I shall pass the matter up to the Village Board to do about the matter as they like.

Yours very respectfully.

Grant W. Soule
attorney

RECEIVED

Trans. P 591

July 29, 1938

GRANT W. SOULE
Village Attorney
Dubois, Idaho

Dear Mr. Soule:

We are in receipt of your letter of July 28, in which you enclose the certificate of transfer of James Laird.

We appreciate your suggestions as to making several changes in the certificate and you will find herewith enclosed corrected copy of Certificate No. 591. We are also sending corrected copies of this certificate to Mr. Henninger, water-master of District No. 66 and to Mr. James Laird.

We trust that you will now find the certificate in good order.

Yours very truly,

R. W. FARIS,
Commissioner of Reclamation

By O. D. BECKER,
Supervisor of Water Distribution

ODE/ci
Enc.

RECEIVED

W. Transfer

5-91

July 26, 1938

Mr. James Laird
1265 Canal Street
Idaho Falls, Idaho

Dear Sir:

Inclosed you will find Certificate of Transfer of Water Right, Number 591, in which you transfer 3.64 cubic feet per second of the waters of Dry Creek.

We are sending a copy of this transfer to Elvin W. Henninger, Watermaster District 66, and to Grant W. Soule, Village Attorney, Dubois, Idaho.

Very truly yours,

R. W. PARIS,
Commissioner of Reclamation

By Supervisor of Water Distribution

/mh
Inc.

Microfilm

Transfer 591

July 26, 1938

Grant W. Soule
Village Attorney
Dubois, Idaho

Dear Mr. Soule:

Inclosed you will find Certificate of Transfer of Water Right, Number 591, from James Laird to the Village of Dubois.

We are also forwarding copies of this transfer to Elvin W. Henninger, Watermaster District 66, and Mr. James Laird.

You will also find inclosed receipt number 16679 in the amount of one dollar (\$1.00) which is the fee this department charges for making the above numbered transfer.

We trust that you will find everything in order.

Very truly yours,

R. W. PARIS,
Commissioner of Reclamation

By Supervisor of Water Distribution

ODE:nh
Inc.

MICROFILMED

James Laird Transfer
591

July 16, 1938

Grant W. Soule
Village Attorney
Dubois, Idaho

Dear Mr. Soule:

We have your letter of July 14, regarding transfer of water right from James Laird to Village of Dubois.

This department has, as yet, not received Affidavit of Publication of Proposed Transfer of Water Right, nor has the fee of one dollar (\$1.00), charged by the department in connection with this transfer, been received. When we are in receipt of the above mentioned, Certificate of Transfer will be issued.

We will advise you of the date of Transfer, as soon as, it is completed.

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

By Supervisor of Water Distribution

ODB:mh
I

MICROFILMED

GRANT W SOULE

LAWYER

DUBOIS, IDAHO

July 14, 1938.

Department of Reclamation,

State House,

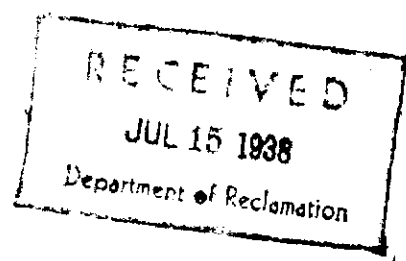
Boise, Idaho.

Dear sirs;-

When you issue the Certificate authorizing the transfer of the James Laird water right to the Village of Dubois, kindly inform me the date of the certificate.

Very truly yours.

Grant W Soule
Village Attorney..



RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date June 27, 1938

Clark County Enterprise Banner
Dubois, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two}~~four~~ consecutive weeks prior to July 12, 1938, the date set for ~~proof~~^{hearing}, the expense of the publication to be paid by the applicant, James Laird, 1265 Canal Street, Idaho Falls, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

~~XXXXXXXXXXXXXXXXXXXX~~
By ~~Commissioner of Reclamation~~
Supervisor of Water Distribution

RECEIVED

NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT

Notice is hereby given that James Laird of Idaho Falls, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 3.64 cubic feet per second of the water of Dry Creek from the land upon which it is now used, i. e. Commencing at the Southeast corner of Section 28, Township 10 North, Range 36 East; thence North along the section line to the Northeast Corner of the Southeast Quarter of the Northeast Quarter of said Section 28; thence West 1262'; thence South 8°15' East to intersect the South section line of said Section 28; thence East 1009' to the place of beginning,—excepting therefrom the following described land; Starting from a point where join the corners of Section 21, 22 27 and 28 of Township 10 North, Range 36 East, B. M., Idaho, (bears North 0°37' West); running South on the dividing line between Sections 27 and 28, 1248 feet to place of beginning; thence South 89°23' West, 805 feet; thence 0°37' South 212.5 feet; thence North 89°23' East 805 feet; thence 0°37' North 212.5 feet to place of beginning; containing (after excluding said exception) 103.46 acres. Also Tract 4. Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter of Section 28, Township 10 North, Range 36 East, B. M., (designated as point No. 1); thence East 23' South 974 feet (designated as Point No. 2); thence South 30' East 247 feet (designated as Point No. 3); thence East 67 feet (designated as Point No. 4); thence South 5° West 193 feet (designated as Point No. 5); thence South 77° West 147 feet (designated as Point No. 6); thence South 4° 15' West 515 feet (designated as Point No. 7); thence South 10' East 324 feet (designated as Point No. 8); thence South 85°15' West 839 feet (designated as Point 9); thence North 26' West 1334 feet to the place of beginning,—containing 27.8 acres. Also tract No. 5. Commencing at the Northeast corner of Section 33, Township 10 North, Range 36 East, B. M., running thence South on the section line 1320 feet; thence West 940 feet; thence North 8°15' West to intersect the section line between said Sections 33 and 28; thence East 1009 feet to the place of beginning, containing 29.53 acres, to the following described tract Southwest Quarter of Section 21, Township 10 North, Range 36, East, B. M., and the North Half of the Northwest Quarter, Section 28, Township 10 North, Range 36 East, B. M.

And that, on the 12th day of July, A. D., 1938, at 10:00 A. M., at Boise, Idaho before the Commissioner of Reclamation, 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.

R. W. FARIS,
Commissioner of Reclamation
Pub. June 30, July 7

Affidavit of Publication

STATE OF IDAHO }
County of Clark }

AFFIDAVIT OF
PUBLICATION

I, M. A. Lansberry, being first duly sworn depose and say, that I am the printer of the CLARK COUNTY ENTERPRISE-BANNER, a newspaper printed and published weekly at Dubois, Clark County, Idaho; and I do solemnly swear that the Notice of Proposed Transfer of Water Right copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and

not in any supplement thereof, for two consecutive issues, the first publication having been made

on the 30th day of June, 1938, and the last publication having been made on the 7th day of July, 1938.

Further that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication, and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks, prior to the first publication of the said notice.

M. A. Lansberry

Subscribed and sworn to before me this 19

day of July, 1938

H. R. Ham
Notary Public.

My commission expires 4/19, 1939

GRANT W SOULE

LAWYER

DUBOIS, IDAHO

July 22, 1928.

Department of Reclamation,

State House,

Boise, Idah.

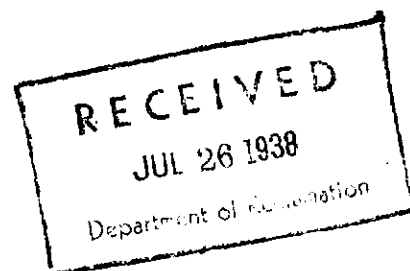
Dear sirs;-

Enclosed is the affidavit of publication of notice in the transfer of water right from Mr. James Laird to the Village of Dubois. Also enclosed is check of \$1.00 for transfer.

Kindly inform me of the date of ~~the~~ your certificate of transfer.

Truly

Grant W Soule



RECEIVED

transfer

591

July 18, 1938

H. R. Harn
Dubois, Idaho

Dear Mr. Harn:

We have your letter of July 15 regarding the James Laird transfer of water right.

To date, we have not received the Affidavit of Publication of Notice of Proposed Transfer of Water Right, of the above mentioned transfer, nor has the fee of one dollar (\$1.00) charged by this department in connection with this water right been received. Upon receipt of the above mentioned, we will issue a Certificate.

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

By Supervisor of Water Distribution

MICROFILMED

ODB:mh

Village of Dubois

Clark County, Idaho

July 15, 1938

RECEIVED

JUL 16 1938

Department of Reclamation

RECEIVED

JUL 12 1938

DEPARTMENT OF RECLAMATION

Department of Reclamation
Boise, Idaho

Re: James Laird transfer of water right.

Gentlemen:

We understand that a certificate will be issued to the Village of Dubois showing the transfer to the new place of use, and we are very anxious to get this certificate at the earliest possible date.

It is impossible for us to make a settlement with Mr. Laird until this certificate is issued, and your immediate assistance will be greatly appreciated.

Yours very truly,


Treasurer

H. R. Harn
ls

RECORDED
INDEXED

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM <input checked="" type="checkbox"/>	FULL RATE
LETTER <input type="checkbox"/>	DEFERRED
NIGHT MESSAGE	CABLE LETTER
NIGHT LETTER	WEEK END LETTER

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

COPY OF WESTERN UNION TELEGRAM

Transfer
5-91

JULY 13, 1938

H. R. HARN
DUBOIS, IDAHO

RETEL NO PROTEST ENTERED AGAINST JAMES LAIRD TRANSFER.

PAUL H. BERG
DEPUTY COMMISSIONER OF RECLAMATION

COLLECT

MICROFILMED

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its designation is indicated by a suitable symbol above or preceding the address.

WESTERN UNION (34).

1201

SYMBOLS

DL = Day Letter

NL = Night Letter

LC = Deferred Cable

NLT = Cable Night Letter

Ship Radiogram

R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

Received at 919 Main Street, Boise, Idaho. Always
Open

KHA101 9/11=XC =DUBOIS IDA 13 1005A

1938 JUL 13 AM 10 37

R W FARRIS=

COMMISSIONER OF RECLAMATION BOISE IDA=

ADVISE BY WESTERN UNION WHETHER ANY PROTESTS MADE JAMES LAIRD

TRANSFER APPLICATION=

H R HARN.

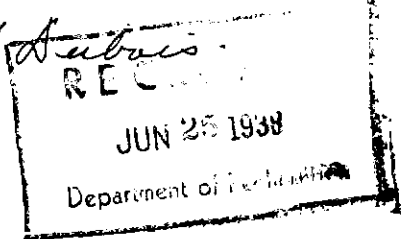
MICROFILMED

Village of Dubois

Clark County, Idaho

June 24, 1938

Re: Transfer James Laird to City of Dubois



Mr. O. D. Becker
Department of Reclamation
Boise, Idaho

Dear Otto:

With reference to your letter of the 22nd instant, we surely appreciate the interest of Mr. Faris in the matter of financing the Spencer-Dubois By-pass on Beaver Creek.

It is impossible for us to make a decision, however, without more information, and we know of no reason why the transfer cannot be made at this time. We want to pay Mr. Laird and close this deal and cannot do so until we know just where we stand.

If the transfer would have no effect on the financing, there is no reason for delay. We can use Mr. Laird's 182 $\frac{1}{2}$ " in addition to any other water saving we might make or that we might acquire by reason of the By-pass.

Please write us fully as to what method of financing Mr. Faris has in mind. We appreciate that it is rather difficult to explain this matter by correspondence.

Please let us have a reply immediately so that the publication may go ahead if we deem it advisable.

Yours very truly,


Treasurer

H. R. Harn
ls

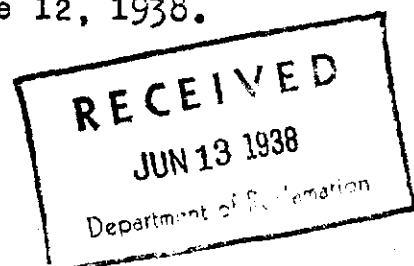
MICROFILMED

GRANT W SOULE

LAWYER

DUBOIS, IDAHO

June 12, 1938.



Department of Reclamation,

State House,

Boise, Idaho.

Dear sirs;-

Enclosed is an application for transfer of use of water
by James Laird dated June 10th 1938, which he wishes filed and
action taken thereon.

Very truly yours.

Grant W. Soule

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NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that James Laird of Idaho Falls, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 3.64 cubic feet per second of the water of Dry Creek from the land upon which it is now used, i. e., Commencing at the Southeast corner of Section 28, Township 10 North, Range 36 East; thence North along the section line to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 28; thence West 1262'; thence South 8015' East to intersect the South section line of said Section 28; thence East 1009' to the place of beginning,—excepting therefrom the following described land; Starting from a point where join the corners of Section 21, 22, 27, and 28 of Township 10 North, Range 36 East, B. M., Idaho, (bears North 0° 37' West); running South on the dividing line between Sections 27 and 28, 1248 feet to place of beginning; thence South 89° 23' West, 805 feet; thence 0° 37' South 212.5 feet; thence North 89° 23' East 805 feet; thence 0° 37' North 212.5 feet to place of beginning; containing (after excluding said exception) 103.46 acres.

Also Tract 4. Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter of Section 28, Township 10 North, Range 36 East, B. M., (designated as point No. 1); thence East 23' South 974 feet (designated as Point No. 2); thence South 30' East 247 feet (designated as Point No. 3); thence East 67 feet (designated as Point No. 4); thence South 50° West 193 feet (designated as Point No. 5); thence South 77° West 147 feet (designated as point No. 6); thence South 4° 15' West 515 feet (designated as Point No. 7); thence South 10' East 324 feet (designated as Point No. 8); thence South 85° 15' West 839 feet (designated as Point 9); thence North 26' West 1384 feet to the place of beginning,—containing 27.8 acres.

Also tract No. 5. Commencing at the Northeast corner of Section 33, Township 10 North, Range 36 East, B. M., running thence South on the section line 1320 feet; thence West 940 feet; thence North 8015' West to intersect the section line between said Sections 33 and 28; thence East 1009 feet to the place of beginning, containing 29.53 acres. to the following described tract Southwest Quarter of Section 21, Township 10 North, Range 36, East, B. M., and the North Half of the Northwest Quarter, Section 28, Township 10 North, Range 36 East, B. M.

And that, on the 12th day of July, A. D., 1938, at 10:00 A. M., at Boise, Idaho before the Commissioner of Reclamation, 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.

R. W. FARIS,
Commissioner of Reclamation

NOTED

Application For Transfer of Water Right

STATE OF IDAHO,

County of Clark

} ss.

James Laird

, being first duly sworn, deposes and says:

That his name is James Laird; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is 1265 Canal Street, Idaho Falls, Idaho.

September 10th, 1892

That he is the owner and using a certain water right, bearing date of priority of 3.64 cubic feet per second of the waters of Dry Creek (or Beaver Creek)

County of Clark, State of Idaho, decreed to said James Laird

by decree of Judge, Charles C. Cavanah of the District Court of the United States for the District of Idaho, Eastern Division

Idaho and for the County of in the case of Earnest Sauve vs. W. H. Abbott, et al., being case No. 635 in equity

(or obtained by virtue of License No. issued by the State Engineer of the State of Idaho dated 19 bearing date of priority of 19)

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. 65 in the County of Clark and State of Idaho, to-wit: as is described upon the two attached sheets of paper, and particularly identified as tracts numbered 3, 4, and 5.

JAMES LAIRD

3.64

1892	-	September 10	4.44	c.f.s.	Source: Dry Creek (otherwise known as Beaver Creek).
1894	-	May 1	2.75	c.f.s.	Points of Diversion: A point on the West side of the main channel of Dry Creek about 10 rods South of the Northeast Corner of Tract 4 described below. (2) Situate on the West side of the main channel of Dry Creek at a point about 9 rods North of the point where the main East and West street of the Village of Dubois crosses said creek, said point being about a half mile North of the North line of Tract 4 described below, and being about the center of the Village of Dubois, and opposite the point where the O.S.L. Railroad Company diverts and pumps water from said stream at this time. (3) Situate on the East side of the main channel of Dry Creek, approximately three-fourths of one mile North of the Northeast corner of Tract 4, described below. Section 33 Township 10 North, Range 36 East, B.M. run-
1910	-	May 2	1.6	c.f.s.	

For use on the following described land, to-wit:

Tract 1. The Northwest Quarter of the Northwest Quarter of Section 27, Township 10 North, Range 36 East, B.M.

Tract 2. The Northeast Quarter of

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. 66 in the County of Clark and State of Idaho, to-wit: as is described upon the two attached sheets of paper, and particularly identified as tracts numbered 3, 4, and 5.

JAMES LAIRD

1892 - September 10 4.44 c.f.s. Source: Dry Creek (otherwise known as Beaver Creek) at the North-West corner of the Southeast corner of the Northwest Quarter of Section 27, Township 10 North, Range 36 East, B.M. (1) A point on the West side of the main channel of Dry Creek about 10 rods South of the Northeast Corner of Tract 4 described below. (2) Situate on the West side of the main channel of Dry Creek at a point about 9 rods North of the point where the main East and West street of the Village of Dubois crosses said creek, said point being about a half mile North of the center of the Village of Dubois, and opposite the point where the O.S.L. Railroad Company diverts and pumps water from said stream at this time. (3) Situate on the East side of the main channel of Dry Creek, approximately three-fourths of one mile North of the Northeast corner of Tract 4, described below.

For use on the following described land, to-wit:

Tract 1. The Northwest Quarter of the Northwest Quarter of Section 27, Township 10 North, Range 36 East, B.M. containing 89.83 acres.

Tract 2. The Northeast Quarter of the Northeast Quarter of Section 28, Township 10 North, Range 36 East, B.M. containing 40.4 acres.

Tract 3. Commencing at the Southeast corner of Section 28, Township 10 North, Range 36 East, B.M.; thence North along the section line to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 28; thence West 1262'; thence South 8°15' East to intersect the South section line of said Section 28; thence East 1009' to the place of beginning, -excepting therefrom the following described land; Starting from a point where join the corners of Section 21, 22, 27, and 28 of Township 10 North, Range 36 East, B.M., Idaho, (bears North 0°37' West); running South on the dividing line between Sections 27 and 28, 1248 feet to place of beginning; thence South 89°23' West, 805 feet; thence 0°37' South 212.5 feet; thence North 89°23' East 805 feet; thence 0°37' North 212.5 feet to place of beginning; containing (after excluding said exception) 103.46 acres.

TCOV - NSA J

7000 - 201000000 TO

THREE FILED

1. C. L. S. of the Hellenic Republic of Greece
2. C. L. S. of the Hellenic Republic of Greece
3. C. L. S. of the Hellenic Republic of Greece
4. C. L. S. of the Hellenic Republic of Greece
5. C. L. S. of the Hellenic Republic of Greece
6. C. L. S. of the Hellenic Republic of Greece
7. C. L. S. of the Hellenic Republic of Greece
8. C. L. S. of the Hellenic Republic of Greece
9. C. L. S. of the Hellenic Republic of Greece
10. C. L. S. of the Hellenic Republic of Greece

26.0

JAMES LAIRD

as per abstract of title.

This said water are now at [unclear] [unclear]
at [unclear] [unclear] OF [unclear] [unclear] [unclear]

within the limits of the ...

Tract 4. Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter of Section 28, Township 10 North, Range 36 East, B.M., (designated as Point No. 1); thence East 23' South 974 feet (designated as Point No. 2); thence South 30' East 247 feet (designated as Point No. 3); thence East 67 feet (designated as Point No. 4); thence South 5° West 193 feet (designated as Point No. 5); thence South 77° West 147 feet (designated as Point No. 6); thence South 4°15' West 515 feet (designated as Point No. 7); thence 10' East 324 feet (designated as Point No. 8); thence South 85°15' West 859 feet (designated as Point 9); thence North 26' West 1384 feet to the place of beginning,--containing 27.8 acres.

Tract 5. Commencing at the North-east corner of Section 33, Township 10 North, Range 36 East, B.M., running thence South on the section line 1320 feet; thence West 940 feet; thence North 8°15' West to intersect the section line between said Sections 33 and 28; thence East 1009 feet to the place of beginning, -- containing 29.53 acres.

Tract 6. The South Half of the Northwest Quarter of Section 33, Township 10 North, Range 36 East, B.M., and a tract described by metes and bounds as follows: Commencing at the Northwest corner of the South Half of the Northwest Quarter of Section 33, Township and Range aforesaid; thence North on section line 987 feet; thence East 3111 feet to intersect the public roadway; thence in a Southeasterly direction along the West line of said public roadway to intersect the South line of the Northwest Quarter of the Northeast Quarter of Section 33; thence West 3224 feet to the place of beginning, --containing 153.18 acres.

where the points are located: com-
B.M. and a place described by
Township 10 North, Range 36 East,
Northwest quarter of Section 23,
Twp 10 N. The corner of the

beginning -- commencing 30.22 acres
East 1000 feet to the base of re-
served Section 22 and 23: thence
intersect the section line between
200: thence North 80.12: East to
the 1250 feet: thence East 240
thence North on the section
to North Range 36 East, B.M. and
west corner of Section 23, Township
Twp 10 N. commencing at the north-

beginning 31.8 acres
to the base of beginning -- com-
thence North 30: East 1284 feet
823 feet (designated as Point 3):
No. 8): thence North 82.12: East
East 254 feet (designated as Point
marked as Point No. 1): thence to
North 10.12: East 212 feet (designated
as Point No. 2): thence North 11.0: East 144 feet
102 feet (designated as Point No.
Point No. 4): thence North 2.0: East
thence East 24 feet (designated as
feet (designated as Point No. 3):
No. 5): thence North 20: East 254
North 84 feet (designated as Point
as Point No. 1): thence East 22:
Range 36 East, B.M. (designated
Section 23, Township 10 North,
feet of the Northwest quarter of
west corner of the northeast quar-
Twp 10 N. commencing at the north-

(Continued)

THAMES TOWN

and is the person (or representative of
the corporation) to whom such right so issued, or has become the owner thereof in the following man-
ner, i. e. by decree of said court

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

That said waters are now diverted from said stream in the places described in the above
attached sheets of paper, and map following which designates diversions in
Section 21, Township 10 North, Range 36 East, B. M., and con-
ducted to the above described lands through ditches of earth
as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 3.64 cubic feet per second
of said water upon the above described land, and to convey and use same upon the following tract,
situate, lying and being in the County of Clark and State of Idaho, to-wit:
within the limits of the Village of Dubois as per the recorded plats
thereof on file in the office of the County Recorder of Clark County,
Idaho, and through the same points of diversion as they now exist and cleared.

That his reasons for desiring to make such transfer are as follows: that he is selling his
land and water rights; and because in recent years shortage of water has
made it impracticable to try to hold his land and water rights as they
now exist.

That he intends to divert and convey said 3.64 second feet of water to the tract of land last above described in the following manner, to-wit: through the same points of diversion as they now exist, and as set forth above

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

WHEREFOR, 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 Code Annotated 41-216 of the Idaho Code Annotated

James Laird
Applicant

Subscribed and sworn to before me this 10th day of June

A. D. 1938

Notary Public, residing at

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Dry Creek, (sometimes known as Beaver Creek) In the SE 1/4 of NW 1/4, & NE 1/4 of SW 1/4, both in Sec. 21, T. 10 N., R. 36 E.B. M. Where is the diversion point located?/

Through what ditch is it now conducted? The Laird ditches

How much land is now irrigated by the water sought to be transferred? 160.79

Give the description: as is described upon the two above attached sheets of paper in this application, but confined only to tracts 3, 4, and 5.

What is the total amount of water in inches, or second feet, dedicated to said land? 3.64 c.f.s., as is more fully set out in this application. See statement marked (x) below What kind of crops are being raised? alfalfa

How much water per acre is now required to irrigate said land? from 1 to 2 inches

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

It will go to grazing land.

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

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

How much water will be required per acre to irrigate the land to which this water is transferred? a full inch or more, - in many places 2 inches as ground is gravelly

Do you claim any other water right for the land from which you seek to abandon the use of this water? 1.95 c.f.s. of May 1, 1894 right, now in process of transfer. If so, give amount, date and source. Dry Creek (or Beaver Creek)

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. no

Signed James Laird
Applicant.

(x) I, the said James Laird, have deeded away the balance of land designated in the two attached sheets of paper as tracts 1, 2, and 6 together with all of my decreed water right of 1.6 cubic feet per second of water with priority of May 2, 1910; together with .80 cubic feet per second of my decreed water right of May 1, 1894; together with .80 cubic feet per second of my decreed water of September 10, 1892, which said last mentioned lands and waters I have deeded to Thomas Katseanes and Harry Katseanes of Blackfoot, Idaho.

I am selling the balance of 1.95 cubic feet per second of my decreed water right of May 1, 1894; to Edward W. Laird of Dubois, Idaho; which leaves only one other water property to sell, namely, the property of 3.64 cubic feet per second of water of September 10, 1892 which I seek in this application to have transferred to the Village of Dubois.

on section line 287 feet; thence East 311 feet to intersect the public roadway; thence in a southerly direction along the West line of said public roadway to intersect the South line of the Northwest Quarter of the Northeast Quarter of Section 33; thence West 3284 feet to the place of beginning, containing 158.18 acres.

STATE OF IDAHO,

County of

Clark

SS.

Wm A. Patt

and

C. A. Hjort

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 Dubois, Idaho, and Spencer, Idaho, that he is a user of water from Dry Creek or Beaver Creek in Water District No. 66 County of Clark, State of Idaho; that he has read or heard read the foregoing affidavit and petition of James Laird and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this

10th

day of June

A. D. 1938

B. S. Thomas

CLERK OF DISTRICT COURT
CLARK COUNTY, IDAHO

BY _____ DEPUTY

STATE OF IDAHO,

County of

Clark

SS.

I, Elvin W. Henninger, Watermaster of Water District No. 66

Water District No. 66, County of Clark, State of Idaho, whose postoffice address

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

of James Laird, 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: The transfer to the Village

of Dubois would put the water right to better use and be in the in-

terest of the greater number of people and make for more intensive use

of the water as well as a more economical use as it covers land nearer

the point of diversion of the ditches.

Watermaster Dist. No. 66

Elvin W. Henninger

Dated at Dubois

, Idaho, this

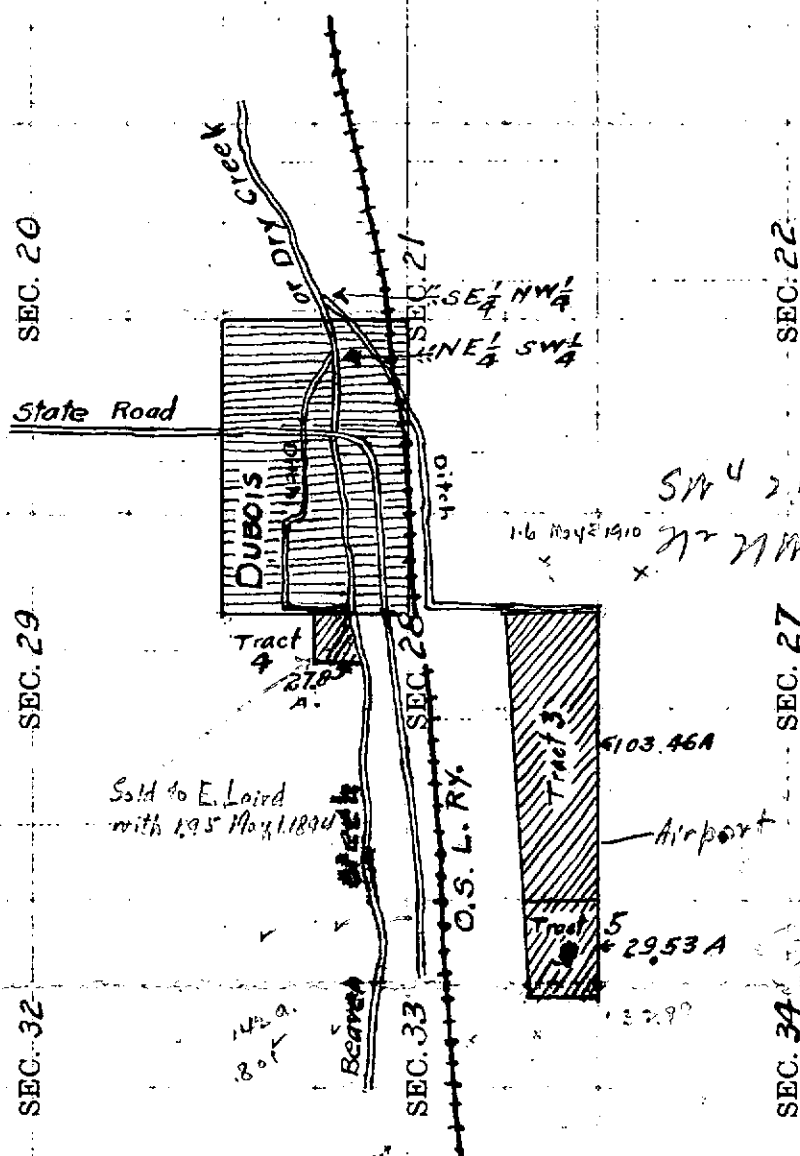
10th

day of

June

, 1938

SEC. 17
SEC. 20
SEC. 29
SEC. 32
SEC. 5
SEC. 8
SEC. 16
SEC. 21
SEC. 28
SEC. 33
SEC. 4
SEC. 9
SEC. 15
SEC. 22
SEC. 27
SEC. 34
SEC. 3
SEC. 10



Water from Airport
NW¹ of Sec 33 sold to
Katsenich with 18 Sept 10 1892 +
8 May 1 1894
NE¹ NE¹ Sec 28 +
NW¹ NW¹ Sec 27 with 16 of May 2 1910

T. 10 N R. 36 E.

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