

34-B2-1

IN THE DISTRICT COURT

OF THE FOURTH JUDICIAL DISTRICT OF IDAHO, IN AND FOR CUSTER COUNTY.

S.T. MOE et al.,

Vs.

HENRY HARGER et al.,

In the above entitled cause, the default of the non-answering defendants having been duly entered, and said cause having been regularly tried and submitted to the Court for its decision, and the Court having considered the evidence and being fully advised in the premises, makes and files its findings of fact, and directs judgment to be entered in accordance therewith:--

Whereupon it is ordered, adjudged and decreed as follows:--

1. That each and every of the tracts of land described in the complaint, answers and cross-complaints in this action as belonging to the said several parties plaintiff and defendant herein are arid in character and will not successfully raise any agricultural crop without the use of water thereon.

2. That the quantity of water required for the successful irrigation and cultivation of said land is one inch per acre measured under a four inch pressure, or its equivalent in cubic feet per second of time, to be measured at the point or place of diversion.

3. That each of the parties plaintiff and defendant hereinafter named were, at the times of the several appropriations of water made as hereinafter set forth, the owners respectively of the several tracts of land set forth and described in the complaints, answers and cross-complaints, and that for the irrigation of the same the said parties or their predecessors in interest did respectively appropriate the quantities of water hereinafter stated and on the dates respectively as hereinafter stated and set opposite the names of each of said parties, such water being estimated and measured under a four inch pressure or its equivalent in cubic feet per second of time; and ever since said date of the said sever-

MICROFILMED

Paul Thomas,	James Creek,	160 inches from June 1st, 1887.	✓
Paul Thomas,	Lost River,	160 " " June 1st, 1890.	✓
Dan L. Jones,	" "	160 " " June 1st, 1891.	✓
Ira S. George,	" "	200 " " Sept. 1st, 1886.	✓
Archie Pershall	" "	160 " " June 1st, 1898.	✓
T.C. Woodbridge, successor to			
E.A. Barnes,	" "	160 " " May 9th, 1899.	✓
Arco Trading Co	" "	10 " " June 1st, 1880.	✓
Arco Trading Co	" "	150 " " Oct. 2nd, 1885.	✓
Arco Trading Co	" "	840 " " Oct. 2nd, 1885.	✓
Matt. Boyle,	" "	160 " " May 1st, 1886.	✓
Jas. Boyle,	" "	160 " " May 1st, 1886.	✓
A.C. Porter,	" "	120 " " Sept. 1st, 1901.	✓
Peter Anderson	" "	160 " " June 1st, 1894.	✓
Herbert R. Jones	" "	200 " " May 1st, 1899.	✓
Mrs Lydie A. Wyatt	" "	153 " " Sept. 1st, 1899.	✓
Elmer Pershall	" "	160 " " Sept. 1st, 1898.	✓
Samuel Mulville	" "	60 " " June 1st, 1896.	✓
Samuel Mulville	" "	20 " " Mar. 1st, 1902.	✓
J.F. Long,	" "	160 " " Sept. 28th, 1896.	✓
B.F. McCowan,	" "	160 " " Sept. 28th, 1896.	✓
M.M. Moore	" "	216 " " Aug. 1st, 1896.	✓
D.S. Brown,	" "	160 " " Sept. 28th, 1896.	✓
Chas. Akin,	" "	160 " " Aug. 10th, 1883.	✓
J.N. Hennexsey,	" "	160 " " Mar. 1st, 1902.	✓
Otto B. Fleischer	" "	80 " " July 22nd, 1901.	✓
Arco Townsite Co	" "	80 " " July 22nd, 1901.	✓
Isaac R. Johnson,	" "	160 " " Jan. 15th, 1902.	✓
Josephine Conbe,	" "	80 " " Aug. 1st, 1898.	✓
D.H. Ashton, successor to			
Thos. Porter,	" "	80 " " May 1st, 1897.	✓
Emille Singer & Sarah E. Singer,	" "	60 " " May 1st, 1901.	✓
Emille Singer & Sarah E. Singer,	" "	100 " " Feb. 1st, 1902.	✓
Frank F. Brown,	" "	160 " " July 1st, 1901.	✓

May 6, 1920.

Re Transfer-Wade H. Young.

Mr. W. J. Lemmo,
Attorney at law,
Arco, Idaho.

Dear Sir:--

Enclosing herewith certificate of transfer
issued to Wade H. Young, with receipt for fees. Am also
returning the abstract of title.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____

CT262-R4953-Abs.-F20.

MICROFILMED

8
40 m. can h by

February 18, 1920.

Re Transfer W.H.Young.

Publisher The Advertiser,
Arco, Idaho.

Dear Sir:--

Enclosed you will please find a copy of the notice of transfer of Wade H.Young, mailed to you on the 7th inst., but never reached you, as we are today advised by Mr. Young. Please publish this notice two consecutive weeks, the expense of such publication to be paid by the applicant for transfer, to whom you should furnish proof of publication on or prior to the date of the hearing.

Very truly yours,

W. G. SWENSON,

Commissioner of Reclamation.

By_____

H

MICROFILMED

February 7, 1920.

Re Transfer.

The Advertiser,
Arco, Idaho.

Gentlemen:--

Enclosing herewith notice of transfer of water right which please publish once a week for four consecutive weeks, the expense of the publication to be paid by Wade H. Young, of Arco, to whom you should furnish proof of publication on or prior to the date set for hearing.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By_____.

N

MICROFILMED

February 7, 1920.

Re Transfer- Wade H. Young.

Mr. W. J. Young,
Arco, Idaho.

Dear Sir:--

Relative to the above transfer would say that March 10th has been set as the date for the hearing and notice has today been mailed the Arco Advertiser. A representative from this office will appear at your office on the date set and take the hearing.

Very truly yours,

W. G. SWENDBERG,

Commissioner of Reclamation.

By _____

N

MICROFILMED

Notice of Proposed Transfer of Water Right

Notice is hereby given that Wade H. Young of Arco
Idaho, has applied to the Commissioner of Reclamation of the State of Idaho
 for a certificate authorizing him to transfer the use of 0.8 second foot
 of the water of Big Lost River,
 from the land upon which it is now used, i. e. SW 1/4 Sec. 6, T. 3 N., R. 27 E., B.M.
 to the following described tract SW 1/4 Sec. 12, T. 3 N., R. 26 E., B.M.

And that, on the 10th day of March, A. D.
 1912, at the office of W. J. Lamm, Arco, Idaho, at 1 o'clock P.M.
 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.

W. G. SWENDSEN,

Commissioner of Reclamation

MICROFILMED

STATE OF IDAHO,

County of Butte

ss.

George L Ferris

and

Joseph Gardner

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 Arco, Idaho that he is a user of water from Big Lost River, in Water District No. 27B, County of Butte, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Wade H. Young 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.

George L. Ferris

Joseph Gardner

Subscribed and sworn to before me this 14th day of January

A. D. 1920

W J Lamme

Notary Public, Arco, Idaho

STATE OF IDAHO,

County of Butte

ss.

I, Chas A Matthews, Watermaster of Big Lost River in

Water District No. 27 B, County of Butte, State of Idaho, whose postoffice address is Moore, Idaho, have read or heard read the foregoing affidavit and petition of Wade H. Young, 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:

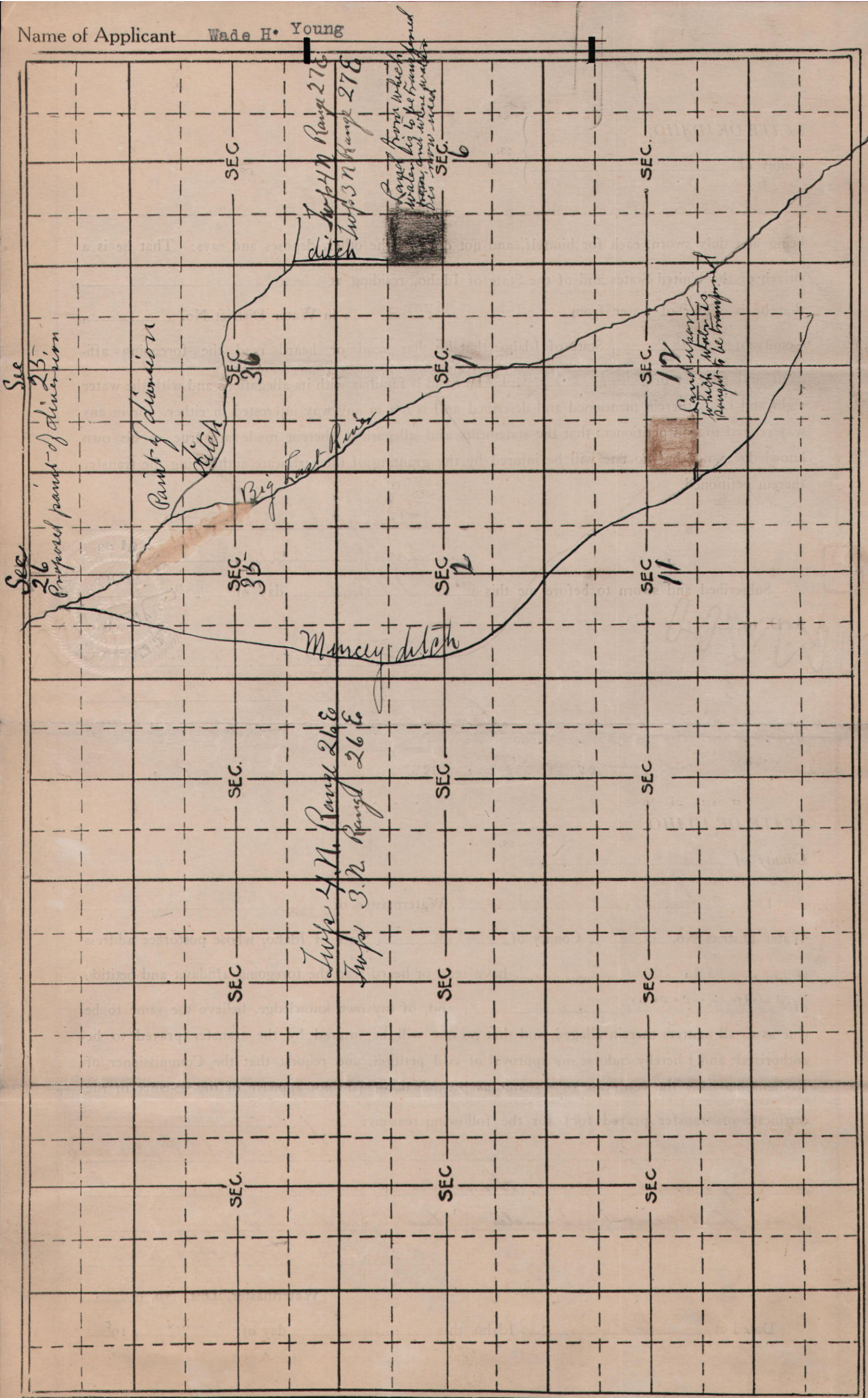
He has a pumping plant on the land which the water is being transferred from. The water is near the surface and can feed more land under cultivation under said transfer.

Chas A Matthews

Watermaster, Dist. No. 27 B.

Dated at Arco, Idaho, this 14 day of January, 1920

Name of Applicant Wade H. Young



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

2-12 4 477
251 52

See right No. 34-0862 → Superseded by Utah Com
vs. John Abbott
File # 34-B

STATE OF IDAHO
DEPARTMENT OF RECLAMATION.
CERTIFICATE OF WATER RIGHT.
Transferred Right No. 262

This is to certify that Wade H. Young, of Arco, County of Butte, State of Idaho, has a right to the use of the waters of Big Lost River, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Custer, in the case of S. T. Moe, et al., plaintiffs, vs. Henry Harger, et al., defendants, K. I. Ferky, Judge, wherein 0.8 second second feet of the waters of Big Lost River, in Water District No. 27-B, was dedicated to the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 6, Township 3 North, Range 27 East of Boise Meridian, bearing date of priority of September 1, 1899, said decree being entered at Boise, Idaho, in the records of the Department of Reclamation, in Volume 1 of Decrees, at page 492; that, upon the application of Wade H. Young for 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 0.8 second feet of the waters of Big Lost River upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.8 sec. ft., dated September 1, 1899											
Twp.	Rge.	Sec.	NW $\frac{1}{4}$	NE $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NW $\frac{1}{4}$	NE $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	-----Totals.
3N.	26E.	12									40

The right to the use of the waters aforesaid hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

No right to the use of waters on the lands herein described exists at the date of this instrument except as herein stated.

WITNESS the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 30th day of April, 1920.

(SEAL)

W. G. Swendsen,
Commissioner of Reclamation.

MICROFILMED

Recorded in Water Dist. #27B-5-1-20-MEB.
Platted on Map-Water Dist. #27B. 5-1-20-STB.
Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ -26-4N-26E.

STATE OF IDAHO.
DEPARTMENT OF RECLAMATION.
CERTIFICATE OF WATER RIGHT.
Transferred Right No. 263.

This is to certify that Charles McGlochlin, of Blaine, County of Blaine, State of Idaho, has a right to the use of the waters of Chaney Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, in the case of S. C. Frost, et al, plaintiffs, vs. Alturas Water Co., et al, defendants, Alfred Budge, Judge, wherein 1.0 second feet of the waters of Chaney Creek, in Water District No. 11-B, was dedicated to the SW $\frac{1}{4}$ of Section 15, Township 1 South, Range 19 East of Boise Meridian, bearing date of priority of April 1, 1890; that said decree has been entered at Boise, Idaho, in the records of the Department of Reclamation in Volume 3 of Decrees, at page 807; that, upon the application of Charles McGlochlin for 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 1.0 second feet of the waters of Chaney Creek upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

1.0 sec. ft., dated April 1, 1890.

Twp.	Rge.	Sec.	NW $\frac{1}{4}$	NE $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Total
2S.	21E.	7	40	40	40	40	200

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

WITNESS The Seal and Signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 4th day of May, 1920.

(SEAL)

W. G. Swendsen.
Commissioner of Reclamation.

MICROFILMED

Recorded in Water Dist. 11-B-5-7-20. IEE.
Platted on Map-Water Dist. 11-B-5-7-30. STB.
Point of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$ -7-2S-21E.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION.

In the Matter of the Application)
of Wade H. Young, for Transfer ()
of Water Right.)
Water District No. 27-B. (

ORDER GRANTING CERTIFICATE.
CASE No. 35.

This case came on regularly for hearing, pursuant to the published notice, on the 10th day of March, 1920, at Arco, Idaho, before J. E. Badley, a representative of this Department.

At the time of the hearing, an appearance was made by the applicant herein, wherein certain evidence was offered in support of the application for transfer, as set forth completely in the files herein, and, upon examination of same, it is clearly evident that no loss of water would result from the delivery of such water in accordance with the provisions of the application for transfer and that no one would be injured by granting such transfer.

WHEREFORE, It is ordered that said application for transfer be granted and that a certificate of transfer be issued therefor, in accordance with the Statutes and placed on record in the Department of Reclamation of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department at Boise, Idaho, this 20th day of March, 1920.


Commissioner of Reclamation.

34-B2-1

IN THE DISTRICT COURT

OF THE TERRITORY OF IDAHO, IN AND FOR CUSTER COUNTY.

S.T. MOE et al.,
vs.
HENRY HARGREAVE et al.,

And where entitled case, all of the defendants herein, and said case having been regularly tried and submitted to the Court for its decision, and the Court having considered the evidence and being fully advised in the premises, makes and files its findings of fact, and directs judgment to be entered in accordance therewith.

And it is ordered, adjudged and decreed as follows:--

1. That the several tracts of land located in the complaints, and mentioned in this action as belonging to the said several parties plaintiff and defendant herein are arid in character and will not naturally raise any agricultural crop without the use of water thereon.

2. That the quantity of water required for the successful irrigation and cultivation of said land is one inch per acre measured under a four inch pressure, or its equivalent in cubic feet per second of time, to be provided for at the place of diversion.

3. That each of the parties plaintiff and defendant herein, after making notice of the several appropriations of water made as hereinafter stated, the owners respectively of the several tracts of land set forth and described in the complaints, answers and cross-complaints, and for the irrigation of the same the said parties or their predecessors in title, and respectively appropriate the quantities of water hereinafter stated and on the dates respectively as hereinafter stated or before the date of each of said parties, such water being estimated or measured under a four inch pressure or its equivalent in cubic feet per second of time; and ever since said date of the said sever-

MAILED

Paul Thomas, James Creek,	160 inches	From June 1st, 1887.	✓
Paul Thomas, Lost River,	160 "	" June 1st, 1890.	✓
Dan L. Jones, " "	160 "	" June 1st, 1891.	✓
Ira S. George, " "	200 "	" Sept. 1st, 1886.	✓
Archie Pershall " "	160 "	" June 1st, 1898.	✓
T.C. Woodbridge, successor to			
E.A. Barnes, " "	160 "	" May 9th, 1899.	✓
Arco Trading Co " "	10 "	" June 1st, 1890.	✓
Arco Trading Co " "	150 "	" Oct. 3rd, 1898.	✓
Arco Trading Co " "	310 "	" Oct. 3rd, 1898.	✓
Matt. Boyle, " "	160 "	" May 1st, 1896.	✓
Jas. Boyle, " "	160 "	" May 1st, 1896.	✓
A.C. Porter, " "	120 "	" Sept. 1st, 1901.	✓
Peter Anderson " "	160 "	" June 1st, 1894.	✓
Herbert R. Jones " "	200 "	" May 1st, 1899.	✓
Mrs Lydie A. Wyatt " "	153 "	" Sept. 1st, 1899.	✓
Elmer Pershall " "	160 "	" Sept. 1st, 1898.	✓
Samuel Mulville " "	60 "	" June 1st, 1898.	✓
Samuel Mulville " "	20 "	" Mar. 1st, 1902.	✓
J.F. Long, " "	160 "	" Sept. 28th, 1896.	✓
B.F. McCowan, " "	160 "	" Sept. 28th, 1896.	✓
M.H. Moore " "	216 "	" Aug. 1st, 1896.	✓
D.S. Brown, " "	160 "	" Sept. 28th, 1896.	✓
Chas. Akin, " "	160 "	" Aug. 10th, 1896.	✓
J.N. Hennesey, " "	160 "	" Mar. 1st, 1902.	✓
Otto B. Fleischer " "	80 "	" July 22nd, 1901.	✓
Arco Townsite Co " "	80 "	" July 22nd, 1901.	✓
Isaac R. Johnson, " "	160 "	" Jan. 15th, 1902.	✓
Josephine Conbe, " "	80 "	" Aug. 1st, 1892.	✓
D.H. Ashton, successor to			
Thos. Porter, " "	80 "	" May 1st, 1897.	✓
Emille Singer & Sarah E. Singer,	60 "	" May 1st, 1901.	✓
Emille Singer & Sarah E. Singer,	100 "	" Feb. 1st, 1902.	✓
Frank F. Brown,	160 "	" July 1st, 1901.	✓

This transfer was superseded by 34-0862. (See Utah Construction Company vs. Abbott decree dated October 21, 1925.)

May 6, 1920.

Re Transfer-Wade H. Young.

Mr. F. J. Evans,
Attorney at Law,
Arco, Idaho.

Dear Sir:—

Enclosing herewith certificate of transfer
issued to Wade H. Young, with receipt for fees. Am also
returning the abstract of title.

Very truly yours,

F. G. SWENEDSEN,

Commissioner of Reclamation.

BY _____

CT262-R4953-Abs.-F20.

W. J. LAMME
ATTORNEY AND COUNSELOR AT LAW
ARCO, IDAHO

May 4, 1920.

Department of Reclamation,
Boise, Idaho.

Gentlemen: Will you kindly mail me blank application for transfer of water right.

Mr. Wade H. Young of Arco, who recently had water right transferred requests me to write you in reference to the return of his abstract.

Yours very truly,

W. J. Lamme
W. J. Lamme

March 22, 1920.

Re Wade H. Young Transfer.

Mr. W. J. Lamm,
Attorney at law,
Arco, Idaho.

Dear Sir:—

Enclosing herewith Order granting certificate of transfer
of water right favor of Wade H. Young.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____

Enc.

March 23, 1920.

15

Re: Transfer of Water Right.

Mr. Wade H. Young,
Arco, Idaho.

Dear Sir:

I am enclosing money order # 480386 for \$22.48 in your favor with the following explanation. Another hearing was held at Dubois on the day proceeding that set for the hearing of your case and the expenses have been pro-rated. Our representative also had official business at Blackfoot, hence the cost in this case was very much smaller than was estimated.

The order covering the issuance of a certificate of transfer was mailed yesterday to your attorney at Arco and within the next few days the certificate of transfer, with the receipt for \$1.00 statutory fee, will be mailed.

The attached statement shows the expenditures in connection with your application for transfer and we desire that you acknowledge receipt of the enclosures.

Yours very truly,

W. G. SWERDSEN,
Commissioner of Reclamation,

By

Assistant.

STB:LW

W. H. YOUNG Transfer.

Amount Deposited with Reclamation Department - - - - -	40.00
March 7. 1/2 of R.R. Fare and Pullman Boise to Blackfoot - -	5.20
March 8. 1/2 of Meals, enroute - - - - -	1.55
March 10. Hotel Expense, Blackfoot - - - - -	4.35
March 10. R.R. Fare Blackfoot to Arco, and return - - - - -	4.80
March 10. Meal, at Arco - - - - -	.50
Certificate of Transfer - - - - -	1.00
Cost of Money Order - - - - -	<u>0.12</u>
TOTAL - - - - -	<u>17.52</u>
REFUND - - - - -	\$22.48

MIC



D. W. DAVIS, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER
BOISE

BUREAU OF WATER RESOURCES
WATER APPROPRIATIONS
CAREY ACT DEVELOPMENT

March 18, 1920.

Mr. W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir :-

On March 10, 1920, at 1:00 P.M. at the office of Mr. W. J. Lamm in Arco, Idaho, I conducted a hearing on the application of Mr. Wade H. Young for the transfer of 0.8 sec. feet of the water of Big Lost River.

There being no one present to protest, and as Mr. Young is changing point of diversion up-stream, thus saving water, I would recommend that the transfer be allowed.

Respectfully yours,

J. E. Badley

AFFIDAVIT OF PUBLICATION

I, C. A. Bottolfsen, publisher of The Arco Advertiser, published weekly at Arco, Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated Feb 27, 1920 and ending with the issue dated March 5, 1920

Subscribed and sworn to before me this 10 day of March 1920

W. J. Lamme
Notary Public.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Wade H. Young of Arco, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 0.8 second feet of the water of Big Lost River, from the land upon which it is now used, i. e., SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 6, T 3 N., R. 27 E. B. M., to the following described tract NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 12, T. 3 N., R. 26 E. B. M.

And that, on the 10th day of March, A. D. 1920, at the office of W. J. Lamme, Arco, Idaho, at 1 o'clock P. M. 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.

W. G. SWENDSEN,
F27-M5 Commissioner of Reclamation

1. State lands from which the transfer is desired: Southwest quarter of the northwest quarter of section 6, township 3 north of range 27 E.B.M.,
2. State amount, source, and date of water right, covering the land: four-fifths cubic feet per second. Big Lost River. Sept. 1, 1899
3. State the present point of diversion by 40 acre tract: NE $\frac{1}{2}$ NE $\frac{1}{2}$ sec. 35, Twp. 4 N. R. 26 E.B.M.,
4. Who owns the above described lands: I the applicant, Wade H. Young
5. How obtained: by purchase
6. State how the water right was secured: originally decreed to land.
I secured right to same by purchase.
7. How much of this land is in cultivation and under irrigation: 37 acres
8. State kind of crops: small grain and alfalfa
9. Is any portion of the above lands swampy, and if so, to what extent:
None
10. When was water last used on the above described lands: used 1918. in 1919 could not get any water from river on account of drought
11. How much of the above described lands will be irrigated if the transfer is granted: Expect to irrigate all of it by wells and pumping plant.
12. How much water per acre, will be necessary: one inch to acre
13. Are there any water rights, other than the one above described, attached to the said lands, and if so, state same: none
14. Describe the lands to which the transfer is desired: NE $\frac{1}{2}$ SW $\frac{1}{4}$, sec. 12, Twp. 3 North, Range 26 E.B.M.,
15. Who is the owner of same, and how acquired: I, the applicant, Wade H. Young, I acquired the same by purchase.

16. If there is any water right attached to the above lands at present,
state source, amount, date, how acquired: None

17. State point of diversion: ~~NE 1/4~~ Sec. 26, T. 4 N. R. 26 E. B.M.,

18. How much of this land in cultivation and irrigation: None

19. How much water per acre is required for these lands: one inch per acre

20. If the transfer is granted, describe the new point of diversion:

NE 1/4 SW 1/4, Sec. 26, T. 4 N. R. 26 E. B.M.,

21. How long have these lands been irrigated, and when was water last used
on them: Never irrigated

22. How much of the above described lands will be irrigated if the transfer
is granted: forty acres

23. Are any of these lands swampy: If so, how many acres? No

24. What are the reasons for desiring said transfer: The land from which
water is to be transferred from can be irrigated by wells and pump,
water about eight feet below surface. The land to which water is
sought to be transferred cannot be irrigated from wells, as it
would probably be more than one hundred feet to water, and by trans-
ferring the use of the above water can farm eighty acres instead of
forty.

Wade H. Young
Applicant.

Subscribed and sworn to before me this 10th day of March, 1920 1919.

W. J. Lamm
Notary Public.

My commission expires: Aug. 1, 1923.

February 18, 1920.

Mr. Treasurer W. L. Young.

Publisher The Advertiser,
Arco, Idaho.

Dear Sir:--

Enclosed you will please find a copy of the notice of transfer of Wade H. Young, mailed to you on the 7th inst., but never reached you, as we are today advised by Mr. Young. Please publish this notice two consecutive weeks, the expense of such publication to be paid by the applicant for transfer, to whom you should furnish proof of publication on or prior to the date of the hearing.

Very truly yours,

W. C. STEELMAN,

Commissioner of Collection.

By _____

February 7, 1920.

Re Transfer.

Mr. C. C. Smith,
Arco, Idaho.

Gentlemen:—

Inclosing herewith notice of transfer of water right which please publish once a week for four consecutive weeks, the expense of the publication to be paid by Wade H. Young, of Arco, to whom you should furnish proof of publication on or prior to the date set for meeting.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By_____.

X

RECEIVED

February 7, 1920.

Re Transfer- Wade H. Young.

Mr. W. J. Young,
Arco, Idaho.

Dear Sir:--

Relative to the above transfer would say that March 10th has been set as the date for the hearing and notice has today been mailed the Arco Advertiser. A representative from this office will appear at your office on the date set and take the hearing.

Very truly yours,

W. G. SWENDESEN,

Commissioner of Immigration.

WJ _____

X

Notice of Proposed Transfer of Water Right

Notice is hereby given that Wade H. Young of Arco
Idaho has applied to the Commissioner of Reclamation of the State of Idaho
 for a certificate authorizing him to transfer the use of 0.8 second foot
 of the water of Big Lost River
 from the land upon which it is now used, i. e. S. 1 N. 1 E. Sec. 6, T. 3 N., R. 27 E., S. 1
 to the following described tract N. 2 N. 1 E. Sec. 12, T. 3 N., R. 26 E., S. 1

And that, on the 10th day of March, A. D.
1912, at the office of W. J. Lamm, Arco, Idaho, at 1 o'clock P. M.
 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.

W. G. SWENDBERG,

Commissioner of Reclamation

W. J. LAMME
ATTORNEY AND COUNSELOR AT LAW
ARCO, IDAHO

Febr. 4, 1920.

Department of Reclamation,
Boise, Idaho.

Gentlemen:- In complaine with your letter of Febr. 2nd, I am enclosing check for the sum of \$40.00 to cover actual expenses uncurrred by your office in cinducting hearing in matter of the transfer of water right of Wade H. Young.

Yours very truly,

W. J. Lamme

RECEIVED
FEB 10 1920
DEPT. OF RECLAMATION
BOISE, IDAHO

MICROFILMED

February 2, 1920.

Re: Application for Transfer.

W. J. Lamme, Attorney,
Arco, Idaho.

Dear Sir:

This will acknowledge receipt of the application for transfer of water right in the name of Wade H. Young, which application was accompanied by abstract of title. You are advised that this department will give this application every consideration but it will be necessary for the applicant to have such request advertised for four weeks in a newspaper in Butte County. It will also be necessary for the applicant to deposit with this department a money order or certified check in the sum of \$40, to cover actual expenses incurred by this department in conducting the hearing which, in all probability, will be held at Arco. If the amount deposited is in excess of the actual expenditures, a refund will be made.

If the applicant prefers to make the trip to Boise, the place of hearing will be set in this department.

Yours very truly,

W. G. Svendsen,

Commissioner of Reclamation,

By

Deputy.

STB/B.

RECORDED

W. J. LAMME
ATTORNEY AND COUNSELOR AT LAW
ARCO, IDAHO

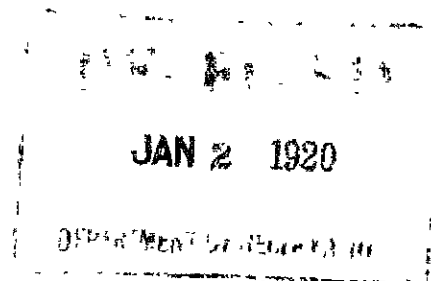
January 28, 1920.

Department of Reclamation,
Boise, Idaho.

Gentlemen:-

Enclosed application of Wade H. Young for transfer of
water right, also abstract of title.

Yours very truly,



RECEIVED

Application for Transfer of Water Right **RECEIVED**

JAN 20 1920

DEPARTMENT OF AGRICULTURE

STATE OF IDAHO,

County of Butte

ss.

Wade H. Young

, being first duly sworn, deposes and says:

That his name is Wade H. Young; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Arco, Butte County, Idaho,

That he is the owner and using a certain water right, bearing date of priority of 1899 19, for four-fifths cubic feet per second of the waters of Big Lost River

County of Butte, State of Idaho, decreed to Lydia A. Wyatt

by decree of Judge, K. I. Perky, of the 4th Judicial District of the State of

Idaho, in and for the County of Custer, in the case of S. T. Moe et al

vs. Henry Harger et al, said decree bearing date of Sept. 1, 1899

(or obtained by virtue of License No. ~~XXXXXX~~ issued by the State Engineer of the State of Idaho,

dated 19), bearing date of priority of Sept. 1, 1899, 19,

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

No 27B in the County of Butte and State of Idaho, to wit:

Southwest quarter of the northwest quarter of section six, Township three North of Range Twenty-seven E. B. M.,

and is the person (or the representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. by purchase

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

That said waters are now diverted from said stream at NE $\frac{1}{2}$ NE $\frac{1}{2}$ Sec. 35 Twp 4 N. Range 26 E. B. M.

and conducted to the above described lands through Jones-Wyatt ditch

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

That affiant and petitioner desires to abandon the use of 4/5 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 Butte and State of Idaho, to wit:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, Twp. 3 North, Range 26 E. B. M.

That his reasons for desiring to make such transfer are as follows: That I have no water for the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, and am unable to get water from any other source to irrigate same, also that I want to place said land under cultivation for the purpose of raising crops thereon. That I propose to irrigate the SW $\frac{1}{4}$ NW $\frac{1}{4}$ from wells by means of a pump.

That he intends to divert and convey said 4/5 second feet of water to the tract of land last above described in the following manner, to wit: by diverting same from Big Lost River in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 26, T.4 N.R. 26 E.B.M., and running said water through the Muncey ditch

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

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Master of Water District No. 27B, in accordance with the provisions of Section 3264 of the Revised Codes of Idaho, as amended.

Subscribed and sworn to before me this 14th day of January

A. D. 1920

Wade H. Young

By W. J. Lammie
Notary Public
Arco, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Big Lost River
Where is the diversion point located? NE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 35, Twp. 4 N. Range 26 E.B.M.
Through what ditch is it now conducted? Jone - Wyatt ditch
How much land is now irrigated by the water sought to be transferred? forty acres
Give the description: SW $\frac{1}{4}$ NW $\frac{1}{4}$ section six, Twp. 3 N. Range 27 E.B.M.,
What is the total amount of water in inches, or second feet, dedicated to said land? forty inches
What kind of crops are being raised? alfalfa and small grain
How much water per acre is now required to irrigate said land? one miners inch
What will be the effect on the land now irrigated, if the use of water on it is discontinued? revert to its original state as desert land. However, I intend to irrigate same by pumping water from wells. Water is within ten feet of surface.
From what stream will the water be diverted if the transfer is made? Big Lost River
Give location of new point of diversion NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp. 4 N. Range 26 East
Through what ditch will it be conducted after transfer? Muncey ditch
How much water will be required per acre to irrigate the land to which this water is transferred? one inch to the acre
Do you claim any other water right for the land from which you seek to abandon the use of this water? No
Is there now any other water right for the land to which you seek to make this transfer? No

Signed Wade H. Young
Applicant.

STATE OF IDAHO,

County of Butte

ss.

George L. Ferris

and

Joseph Gardner

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 Arco, Idaho, that he is a user of water from Big Lost River, in Water District No. 27B, County of Butte, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Wade H. Young 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.

George L. Ferris:

Joseph Gardner

Subscribed and sworn to before me this 14th day of January

A. D. 1920

W. J. Lammie

Notary Public, Arco, Idaho

STATE OF IDAHO,

County of Butte

ss.

I, Chas A. Matthews, Watermaster of Big Lost River in

Water District No. 27 B, County of Butte, State of Idaho, whose postoffice address is Moore, Idaho

have read or heard read the foregoing affidavit and petition of Wade H. Young, 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:

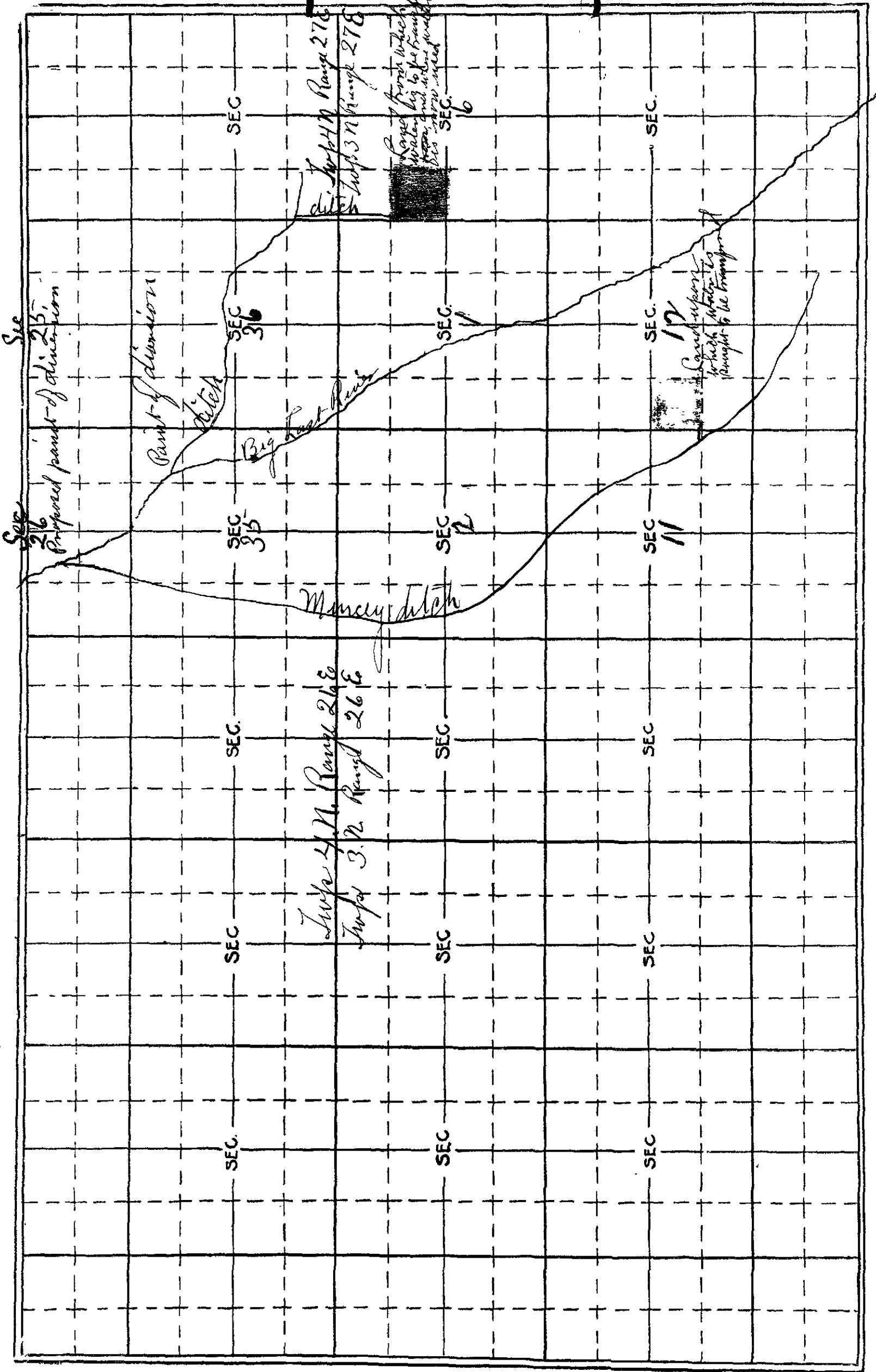
For Chas A. Matthews plant on the land which the water is being transferred from, the water is near the surface and can find more land under cultivation under said transfer.

Chas A. Matthews

Watermaster, Dist. No. 27 B.

Dated at Arco, Idaho, this 14 day of January, 1920.

Name of Applicant Wade H. Young



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

STATE OF IDAHO,

County of Butte

ss.

George L Ferris

and

Joseph Gardner

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 Arco, Idaho that he is a user of water from Big Lost River, in Water District No. 27B, County of Butte, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Wade H. Young 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.

George L. Ferris

Joseph Gardner

Subscribed and sworn to before me this 14th day of January

A. D. 1920

W J Lammie

Notary Public, Arco, Idaho

STATE OF IDAHO,

County of Butte

ss.

I, Chas A Matthews, Watermaster of Big Lost River in

Water District No. 27 B, County of Butte, State of Idaho, whose postoffice address is Moore, Idaho, have read or heard read the foregoing affidavit and petition of Wade H. Young, 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:

We has a pumping plant on the land which the water is being transferred from. the water is near the surface and can put more land under cultivation under said transfer

Chas A Matthews

Watermaster, Dist. No. 27 B.

Dated at Arco, Idaho, this 14 day of January, 1920