

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 HARGREY 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 herein-after 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

4

Alex. Burnett, Lost River,	160 inches, from Sept. 14th, 1886. ✓
" " " "	160 " " Apr. 30th, 1884. ✓
" " " "	160 " " June 1st, 1899. ✓
D.M. Burnett, " "	160 " " June 1st, 1884. ✓
John W. Gue, Emma H. Gue and Frank T. Collins, (Alder Creek)	1004 " " Sept. 30th, 1882. ✓
D. T. Burnett, Lost River,	160 " " May 18th, 1899. ✓
H.M. Evans, " "	160 " " June 1st, 1884. ✓
" " " "	160 " " June 1st, 1894. ✓
F.E. Franklin, " "	160 " " May 31st, 1897. ✓
J.M. Franklin, " "	100 " " June 1st, 1895. ✓
J.M. Franklin, Jensen Creek Springs,	40 " " June 1st, 1884. ✓
Delia Beers, Adm. estate of Wm. Beers, deceased, Lost River,	190 " " Aug. 1st, 1887. ✓
Delia Beers " "	160 " " Aug. 31st, 1887. ✓
Wm. O'Neal, " "	160 " " June 30th, 1887. ✓
" " " "	160 " " June 30th, 1891. ✓
J.R. Baxter, admr. estate of Caroline Miller, deceased,	160 " " June 1st, 1886. ✓
James McKelvey, " "	160 " " June 1st, 1888. ✓
Dwight Peck, Sage Creek,	160 " " June 1st, 1886. ✓
Delia Beers, Lower Pass Creek,	120 " " June 30th, 1885. ✓
Thos. T. Donahue, Lost River,	160 " " June 1st, 1889. ✓
Peter Donahue, " "	100 " " June 30th, 1891. ✓
Samuel Miller, " "	85 " " Apr. 10th, 1889. ✓
Geo. R. Miller, " "	25 " " Apr. 10th, 1889. ✓
Geo. R. Miller, Alder Creek, high water.	75 " " June 30th, 1896. ✓
Lena Watson, Lost River,	160 " " June 30th, 1897. ✓
Joan D. Daniels, " "	160 " " June 1st, 1885. ✓
Jonkin N. Harris " "	130 " " June 1st, 1885. ✓

August 3, 1921.

Mr. I. W. Boyer,
Arco, Idaho.

Dear Sir:

We are enclosing herewith Certificates of
Transfer Nos. 308 and 309 issued to Warren S.
Tew, Order granting the transfers and receipts
for fees in each case.

Very truly yours,

W. C. SWENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

MB
Encl.

*copy mtd watermaster
8-4-21*

MICROFILMED

AFFIDAVIT OF PUBLICATION

I, C. A. Bottolfsen, publisher of The Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1907, 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

May 13 1921 and ending with the issue dated May 20, 1921.

C. A. Bottolfsen

Subscribed and sworn to before me this 11th day of July, 1921.

D. W. Boyer
Notary Public.

Residence at Arco, Idaho.

MICROFILMED

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Warren S. Tew of Leslie, 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 NE $\frac{1}{4}$, Sec. 12, Twp. 6 N., R. 25 E., B. M. to the following described tract NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 12, Twp. 6 N., R. 25 E., B. M.

And that, on the 28th day of May, A. D. 1921, at 10:00 A. M., at the Department of Reclamation, Capitol Building, 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.

W. G. SWENDSEN,
Commissioner of Reclamation.
M 13-20

RECEIPT FOR REGISTERED ARTICLE NO. 29138

, 19

From

class postage paid.

Addressed to

Return receipt desired

Delivery restricted

c5-0869

To addressee in person

To addressee or order

Postmaster, per

POSTMARK

Post Office Department

OFFICE BUSINESS

REGISTERED ARTICLE

No. 29138

INSURED PARCEL

No. _____

Return to _____

(NAME OF SENDER)

Street and Number, }
or Post Office Box, }

BOISE,

IDAHO.

PENALTY FOR PRIVATE USE
TO AVOID PAYMENT OF
POSTAGE \$300.

POSTMARK OF DELIVERING
OFFICE

AND DATE OF DELIVERY

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery,

192

Form 3811

Notice of Proposed Transfer of Water Right

Notice is hereby given that Warren S. Tew of Leslie
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. SW¹ of NE¹ Sec. 12, Twp. 6 N., R. 25 E., B.M.,
 to the following described tract NE¹ of NE¹ Sec. 12, Twp. 6 N. R. 25 E. B.M.

And that, on the 28th day of May, A. D. 191
21, at 10:00 A.M., at the Department of Reclamation, Capitol Building, 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.

W. G. Swendsen,

Commissioner of Reclamation

MICROFILMED

That he intends to divert and convey said 40 inches ~~second feet~~ of water to the tract of land last above described in the following manner, to-wit: through the present established ditches,

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 Compiled Statutes.

Harvest L. Jew
Applicant.

Subscribed and sworn to before me this 31st day of March

A. D. 1921

W. M. Boyer
Notary Public
Residence at Arco, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Big Lost River

Where is the diversion point located? ~~remains unchanged~~ Sec. 29, T7N, R14E

Through what ditch is it now conducted? Burnet Ditch and Private Ditch

How much land is now irrigated by the water sought to be transferred? 40 acres

Give the description: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 12, Twp. 6 North, Range 25 E. B. M.

What is the total amount of water in inches, or second feet, dedicated to said land? 40 inches

What kind of crops are being raised? Alfalfa

How much water per acre is now required to irrigate said land? 1 inch per acre

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

Will be irrigated by other water as per application of same date by applicant.

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

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

How much water will be required per acre to irrigate the land to which this water is transferred?
one inch per acre or 40 inches.

Do you claim any other water right for the land from which you seek to abandon the use of this water?

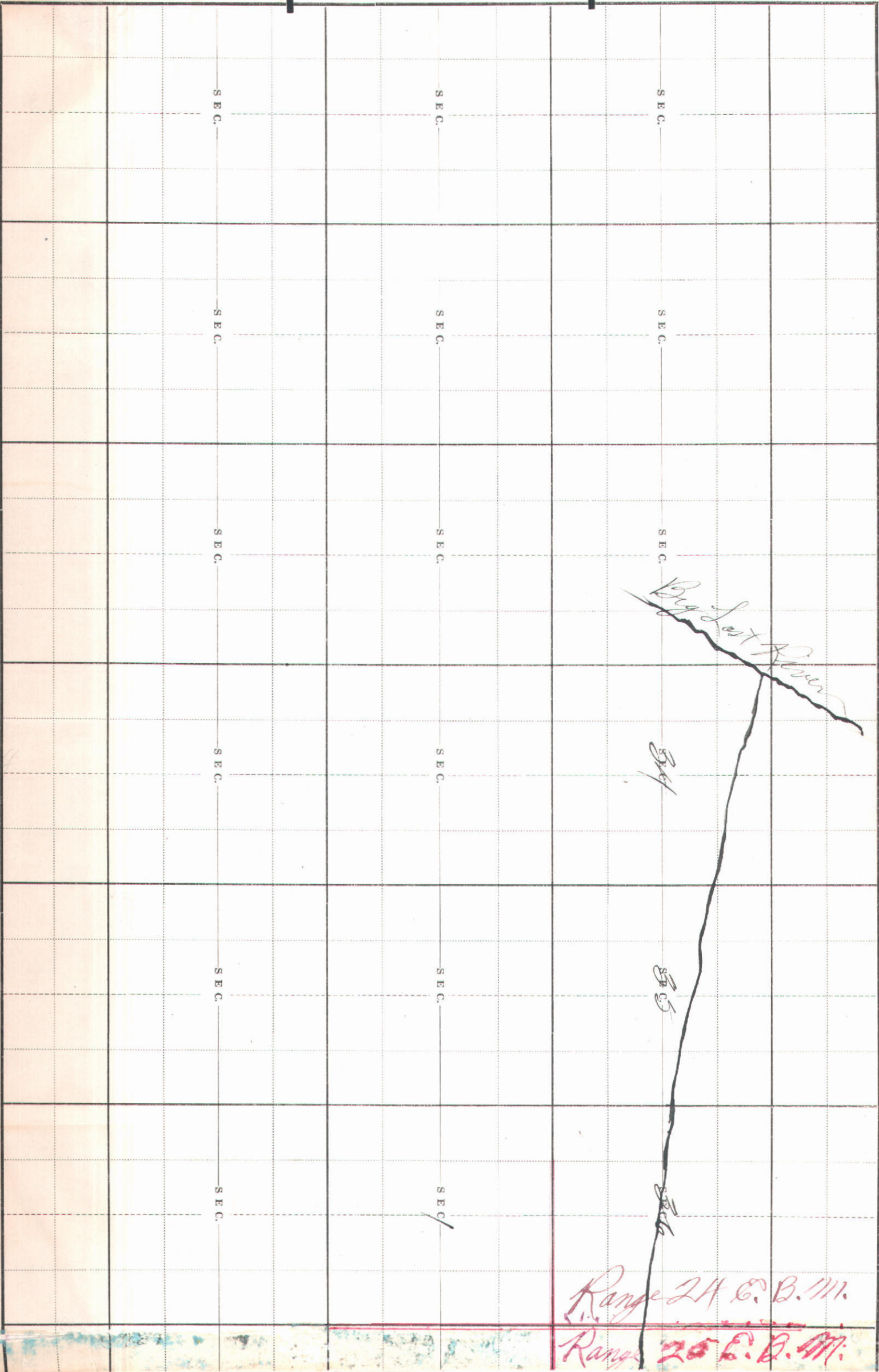
No, but if both applications be allowed as requested this land will be irrigated with an earlier water right. see other application for transfer.

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 Yes. The right now used on land is desired to be exchanged for the water mentioned herein. See other application.

Signed Harvest L. Jew
Applicant.

NAME OF APPLICANT _____



STATE OF IDAHO,

County of Butte

ss.

George F. Stewart

and

Franklin Walker

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 Leslie, Idaho.

that he is a user of water from Burnett Ditch, in Water District No. 27-B

County of Butte & Custer, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Warren S. Tew 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 F. Stewart
Franklin Walker

Subscribed and sworn to before me this 31st day of March

A. D. 1921

Notary Public
Residence at Arco, Idaho.

STATE OF IDAHO,

County of Custer

ss.

I, Lynn Randall, Watermaster of Big Lost River

Water District No. 27B, County of Custer & Blaine, State of Idaho, whose postoffice address

is Mackay, have read or heard read the foregoing affidavit and petition

of Warren S. Tew, 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:

Watermaster, Dist. No. 27B

Lynn Randall

Dated at Mackay, Idaho, this 2 day of April, 1921

Subscribed & sworn to before me this 2nd day of April 1921

M. D. Kelgore
Notary Public
Residence at Mackay, Idaho

Map 1 Mouth
Map 6 Mouth

Barren Ditch

SEC. 1

SEC. 2

SEC. 3

SEC. 4

SEC. 5

SEC. 6

SEC. 7

SEC. 8

SEC. 9

SEC. 10

SEC. 11

SEC. 12

Private Ditch

From

To

Superseded by Utah Const. Co. vs Abbott
decree. See right no. 34-0728

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 3019

This is to certify that Warren S. Tew of Leslie, County of Butte, State of Idaho, has a right to 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 entitled "S. T. Moe, et al, vs. Henry Harger, et al", Kirtland I. Jerky, District Judge, wherein forty (40) inches of the waters of Big Lost River, in Water District No. 27-B, was dedicated to the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 6 N. R. 25 E., B. M., bearing date of priority of June 30, 1891; that said decree has been entered at Boise, Idaho, in the records of the Department of Reclamation of the State of Idaho, in Vol. 1 of Decrees, at page 492; that, upon the application of Warren S. Tew 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 forty (40) inches 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 certificate become appurtenant, for irrigation and domestic purposes, as 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:

40 inches, dated June 30, 1891:

	NW $\frac{1}{4}$	NE $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
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 $\frac{1}{4}$	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 $\frac{1}{4}$	Total
6N 25E 12		40			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.

WITNESS the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 29th day of July, 1921.


Commissioner of Reclamation.

Diversion Point: NW Cor of 29-7N-24E
Through Burnett ditch and
private ditch.

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION

In the Matter of the Application of	)	
Warren S. Tew for Transfer of	)	ORDER GRANTING TRANSFER.
Water Right: Water District 27-B.	)	
Case No. 87.	)	

WHEREAS, on May 28, 1921, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Warren S. Tew for transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, no one appeared, either in person or by affidavit, to protest said application, and the evidence filed by the applicant shows that a greater duty of water would result by reason of the said transfer, and that no one would be injured thereby:

THEREFORE, IT IS HEREBY ORDERED that the said application be granted and that the certificate of transfer be issued to the applicant herein.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 29th day of July, 1921.


Commissioner of Reclamation

RECEIVED
JUL 31 1921

Superceeded by Utah Const. Co. Vs. Abbott
decree. See right NO 34-0727

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 308

This is to certify that Warren S. Tew of Leslie, County of Butte, State of Idaho, has a right to the waters of Pass 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 Butte and Custer, in the case entitled "S. T. Moe, et al, vs. Henry Harger, et al", Kirtland I. Perky, District Judge, wherein forty (40) inches of the waters of Pass Creek, in Water District No. 27-B, was dedicated to the NE¹ NE¹ Section 12, T. 6 N., R. 25 E., B. M., bearing date of priority of June 1, 1883; that said decree has been entered at Boise, Idaho, in the records of the Department of Reclamation of the State of Idaho, in Vol. 1 of Decrees, at page 492; that, upon the application of Warren S. Tew 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 forty (40) inches of the waters of Pass 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 certificate 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:

40 inches, dated June 1, 1883:

	NW ¹	NE ¹	SW ¹	SE ¹	
Twp. Rge. Sec.	NW ¹ NE ¹ SW ¹ SE ¹	NW ¹ NE ¹ SW ¹ SE ¹	NW ¹ NE ¹ SW ¹ SE ¹	NW ¹ NE ¹ SW ¹ SE ¹	Total
6N 25E 12		40			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.

WITNESS the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 29th day of July, 1921.


Commissioner of Reclamation

Diversion Point: SW¹ NW¹ Sec. 35-7N-25E

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of Warren S. Tew for Transfer of)
Water Right: Water District 27B.)
Case No. 86.)

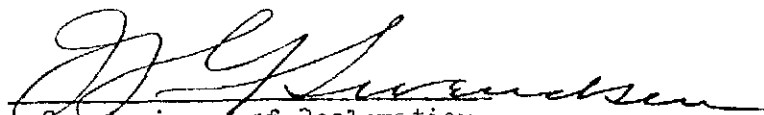
ORDER GRANTING TRANSFER.

WHEREAS, On May 28, 1921, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Warren S. Tew for transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, no one appeared, either in person or by affidavit, to protest said application, and the evidence filed by the applicant shows that a greater duty of water would result by reason of the said transfer, and that no one would be injured thereby:

THEREFORE, IT IS HEREBY ORDERED that the said application be granted and that the certificate of transfer be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 29th day of July, 1921.


Commissioner of Reclamation

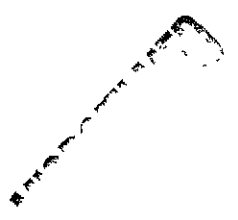
34-B2-1

Page 1

IN RE: [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

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August 3, 1921.

Mr. I. W. Boyer,
Arco, Idaho.

Dear Sir:

We are enclosing herewith Certificates of
Transfer Nos. 308 and 309 issued to Warren S.
Tew, Order granting the transfers and receipts
for fees in each case.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

MB
Encl.

Copy sent to Bernhardt
8-4-21

MICROFILMED

AFFIDAVIT OF PUBLICATION

I, C. A. Bottolfsen, publisher of The Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1907, 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

May 13 1921 and ending with the issue dated May 20 1921

C. A. Bottolfsen
11th

Subscribed and sworn to before me this 11th day of July 1921

NOT RECORDED

Residence at Arco, Idaho.

NOTICE OF TRANSFER OF WATER RIGHT
Notice is hereby given that Warren S. Tew, of Coeur d'Alene, 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 1/4 of NE 1/4, Sec. 12, Twp. 6 N., R. 23 E., E. M. to the following described tract NE 1/4 of NE 1/4, Sec. 12, Twp. 6 N., R. 26 E., E. M.
And that, on the 28th day of May, A. D. 1921, at 10:00 A. M., at the Department of Reclamation, Capitol Building, Boise, Idaho, before me, Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present any consideration any reason or excuse why a certificate should not be issued authorizing such transfer.
W. C. STEPHENSON
Commissioner of Reclamation
M 13-20

RECEIPT FOR REGISTERED ARTICLE NO.

29137

19

From

class postage paid.

Addressed to

Return receipt desired

Delivery restricted

To addressee in person

To addressee or order

Postmaster, per

65-0589

POSTMASTER

Post Office Department

OFFICE BUSINESS

REGISTERED ARTICLE

No. 297

INSURED PARCEL

No. _____

Return to

(NAME OF SENDER)

Street and Number,
or Post Office Box,

BOISE,

IDAHO.



PENALTY FOR PRIVATE USE
TO AVOID PAYMENT OF
POSTAGE \$3.00

POSTMARK OF DELIVERING
OFFICE

AND DATE OF DELIVERY

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, _____, 192

Form 3811

Notice of Proposed Transfer of Water Right

Notice is hereby given that Warren S. Tew of Leslie
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. SW¹ of NE¹, Sec. 12, Twp. 6 N., R. 25 E., B.M.

to the following described tract NE¹ of NE¹ Sec. 12, Twp. 6 N. R. 25 E. S. 1.

And that, on the 28th day of May, A. D. 191
21, at 10:00 A.M., at the Department of Reclamation, Capitol Building, 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.

W. C. Swendsen,

Commissioner of Reclamation

Important
 Notice

Application for Transfer of Water Right

STATE OF IDAHO.

County of Butte

SS.

RECEIVED

APR 2 1921

Warren S. Tew

, being first duly sworn, deposes and says:

That his name is Warren S. Tew ; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Leslie, Idaho.

That he is the owner and using a certain water right, bearing date of priority of June 30, 1891;
for 40 inches ~~and feet per second~~ of the waters of Big Lost River
County of Butte & Custer, State of Idaho, decreed to William O'Neal
by decree of Judge, Kirtland I. Perky 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.
vs. Henry Harger et al. said decree bearing date of March, 1902.

(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. 27-B in the County of Butte & Custer and State of Idaho, to-wit:.....

(with other lands) The Southwest quarter of the Northeast quarter of Section Twelve
in Township Six North, Range Twenty-five East of the Boise Meridian, Idaho.

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

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 ~~the~~ Northwest corner of Section ~~34~~ **34**, Township **7 N**, Range **24 E**, B. M., and conducted to the above described lands through Private Ditch from Burnett Ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 40 inches ~~four 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:

The Northeast quarter of the Northeast quarter of Section Twelve, Township Six
North, Range Twenty-five East of the Boise Meridian, Idaho.

This transfer is desired only providing/other transfer be granted as requested
by applicant under this date.

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

To obtain a better result in irrigating because of the convenience of the use of water.

That he intends to divert and convey said 40 inches ~~#####~~ of water to the tract of land last above described in the following manner, to-wit: through the present established ditches,

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 Compiled Statutes.

Applicant,

Subscribed and sworn to before me this 31st day of March
A. D. 1921

Notary Public
Residence at Arco, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Big Lost River

Where is the diversion point located? ~~remains unchanged~~ Sec. 29, T7N, R24E

Through what ditch is it now conducted? Burnet Ditch and Private Ditch

How much land is now irrigated by the water sought to be transferred? 40 acres

Give the description: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 12, Twp. 6 North, Range 25 E. B. M.

What is the total amount of water in inches, or second feet, dedicated to said land? 40 inches

What kind of crops are being raised? Alfalfa

How much water per acre is now required to irrigate said land? 1 inch per acre

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

Will be irrigated by other water as per application of same date by applicant.

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

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

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

one inch per acre or 40 inches.

Do you claim any other water right for the land from which you seek to abandon the use of this water?

No, but if both applications be allowed as requested this land will be irrigated with an earlier water right. see other application for transfer.

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. Yes. The right now used on land is desired to be exchanged for the water mentioned herein. See other application.

Signed James L. J. J.
Applicant.

STATE OF IDAHO.

County of Butte

ss.

George F. Stewart and Franklin Walker

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 Leslie, Idaho. that he is a user of water from Burnett Ditch, in Water District No. 27-B County of Butte & Custer, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Warren S. Tew 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 F. Stewart
Franklin Walker

Subscribed and sworn to before me this 31st day of March

A. D. 1921

Notary Public
Residence at Arco, Idaho.

STATE OF IDAHO.

County of Custer

ss.

I, Lynn Candall, Watermaster of Big Lost River

Water District No. 27-B, County of Butte, State of Idaho, whose postoffice address is Mackay, have read or heard read the foregoing affidavit and petition of Warren S. Tew, 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:

Watermaster, Dist. No. 27-B

Lynn Candall

Dated at Mackay, Idaho, this 2nd day of April, 1921

Subscribed & sworn to before me this 2nd day of April 1921

M. D. Kellogg
Notary Public
Residence at Mackay, Idaho

