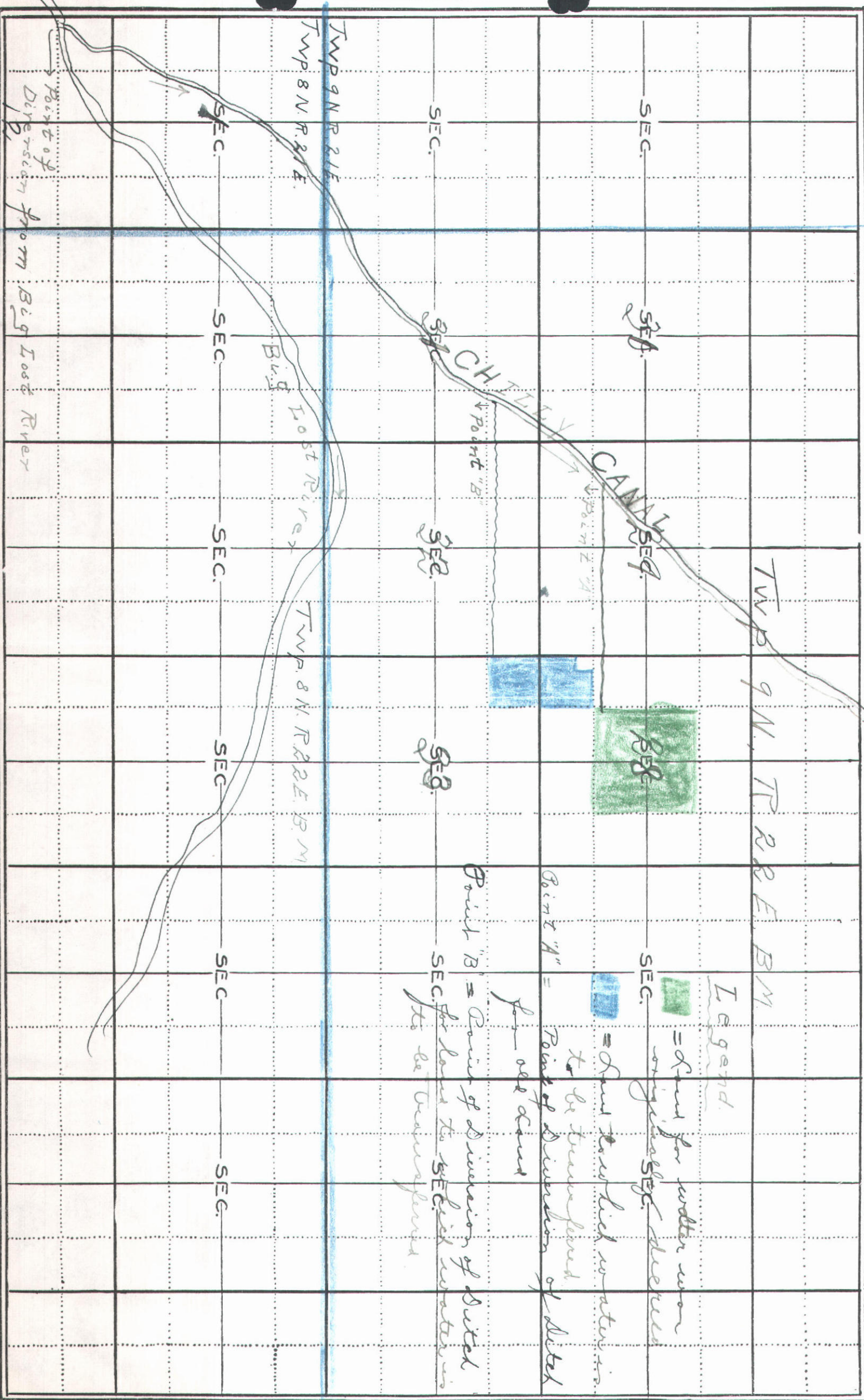
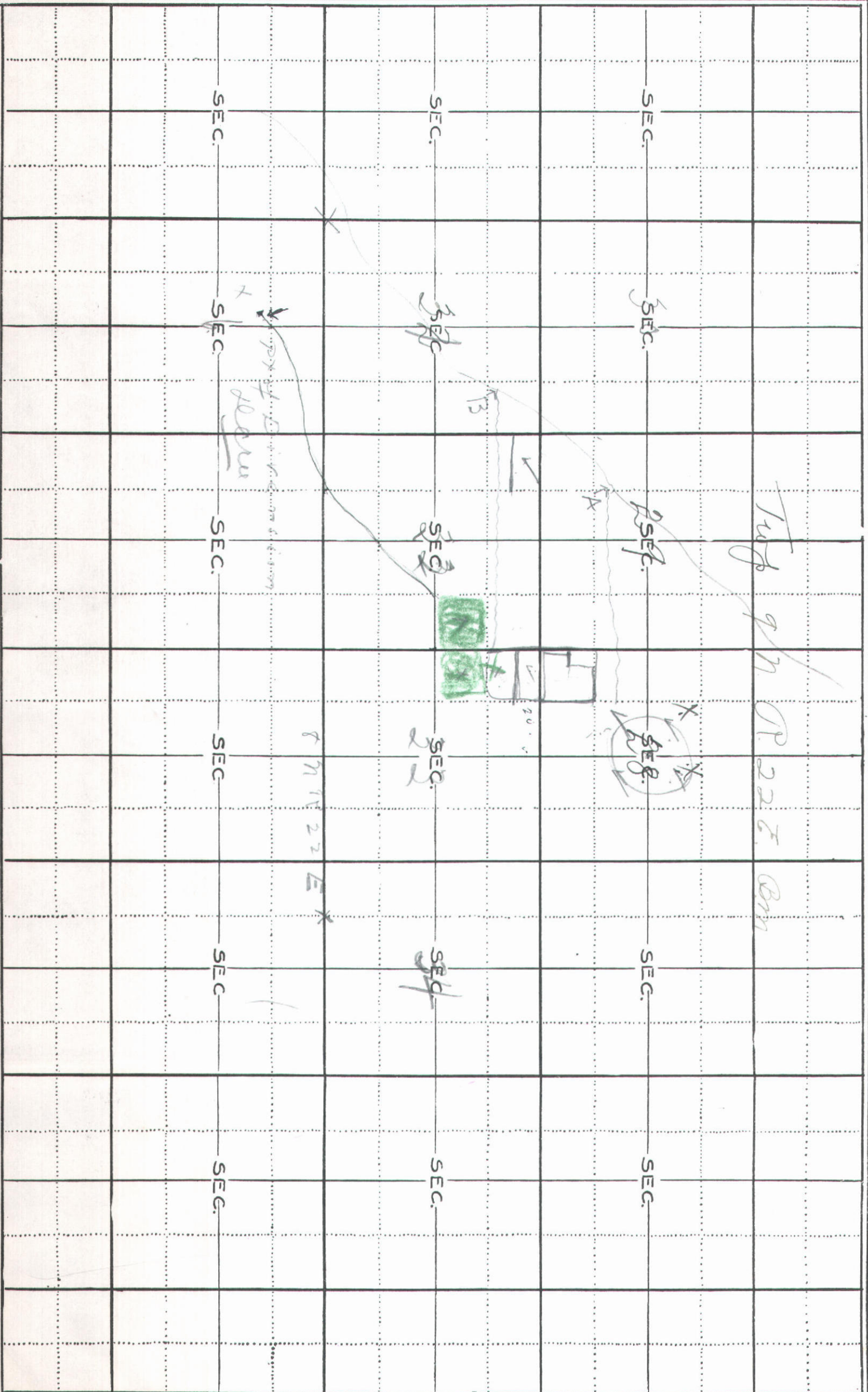


Name of Applicant

Thos Oldham





See Water right NO.

34-0566

superceded by
Construction Co.
abstract decreed
10-21-1925

S T A T E O F I D A H O .
OFFICE OF THE STATE ENGINEER.
CERTIFICATE OF WATER RIGHT.
Transferred Right No. 239.

This is to certify that Thomas Oldham, of Chilly, County of Custer and 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 Sixth 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, Kirtland I. Perky, Judge, wherein 3.2 second feet of the waters of Big Lost River, in Water District No. 27A, were dedicated to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 9 North, Range 22 East, Boise Meridian, bearing date of priority of March 1, 1902, said decree being entered at Boise, Idaho, in the records of the State Engineer in Volume 1 of Decrees, Page 492; that, upon application of the said Thomas Oldham for a transfer of water right made before the State Engineer of the State of Idaho, and, after due investigation, said application having been granted by the said State Engineer, the right to use 1.6 second feet of the waters of Big Lost River upon the land above described is hereby abandoned and a description of the land 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 said purposes, and shall not exceed the following amount:

1.6 second feet dated March 1, 1902						
		NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
Twp.	Rge.	Sec.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Total.
9N	22E	33		40		40
		28		35		35

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 Idaho.

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

WITNESS, the seal and signature of the State Engineer of the State of Idaho, affixed at Boise, Idaho, this 14th day of March, 1919.

(SEAL)

FRED A. WILKIE,
State Engineer.

Recorded in Water Dist.No. 27A-3-18-19.M.E.D.
Platted on Map-Water Dist.No.27A-3-17-19.S.T.B.
Diversion Point-NW $\frac{1}{4}$ NW $\frac{1}{4}$ -Sec.12,T.8N.,R.21E.

*superceded by
Albion Idaho Land
Co. vs Adams decree
dated 10-23-1928*

STATE OF IDAHO.
OFFICE OF THE STATE ENGINEER.
CERTIFICATE OF WATER RIGHT.
Transferred Right No. 238.

This is to certify that O. J. Bateman, of Standrod, County of Cassia and State of Idaho, has a right to the use of the waters of Raft 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 Cassia, in the case of Lee Kirk, et al., plaintiffs, vs. A. Bartholomew, et al, defendants, C. C. Stockslager, Judge, wherein 7.42 second feet of the waters of Raft River, in Water District No.8B, were dedicated to Lots 1, 2, 3, 4 and 5, Section 3, Township 16 South, Range 26 East, Boise Meridian, bearing date of priority of April 1, 1872, said decree being entered at Boise, Idaho, in the records of the State Engineer in Volume 1 of Decrees, Page 624; that O. J. Bateman also has a right to the use of the waters of Raft River, for irrigation and domestic purposes, said right being confirmed by the above mentioned decree, wherein 2.8 second feet of the waters of Raft River were dedicated to Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 5, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, in T. 15 S., R. 27 E., B.M., said right bearing date of priority of March 1, 1884, and being entered at Boise, Idaho, in the records of the State Engineer in Volume 1 of Decrees, Page 624; that, upon application of the said O. J. Bateman for a transfer of water right made before the State Engineer of the State of Idaho, and, after due investigation, said application having been granted by the said State Engineer, the right to the use of two (2) second feet of the waters of Raft River upon the land first above described is hereby abandoned and a description of the land to be irrigated under such right and to which the water rights 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 said purposes, and shall not exceed the following amounts:

		2.8 second feet dated March 1, 1884		2.0 second feet dated April 1, 1872			
		NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
Twp.	Range.	Sec.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Total.
(Lot 2)							
15S	27E	5	40 40			40 40	
		8	40				
						Total number of acres	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 Idaho.

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

WITNESS the seal and signature of the State Engineer of the State of Idaho, affixed at Boise, Idaho, this 15th day of March, 1919.

(SEAL) FRED A. WILKIE,
State Engineer.

Recorded in Water Dist.No. 8B.3-18-19.M.E.C.
Platted on Map Water Dist. No. 8B. 3-17-19. S.T.M.
Point of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.7,15S-27E.

RECEIVED

FEB 27 1911

OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT

OF THE

STATE OF ILLINOIS, IN AND FOR THE COUNTY OF FULTON.

Peabody Irrigation Company, et al.,

PLAINTIFFS,

DECEMBER

-V-

Peabody Irrigation Canal Company, et al.,

DEFENDANTS.

This case coming on to be heard this 27th day of

1910, upon the report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to the facts and conclusions of law and decrees, to be entered herein, and the said F. J. Cowen, having filed his report of the testimony taken, and his recommendations as to the facts and conclusions of law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the Court being fully informed as to the facts and conclusions of law, and having ordered that judgment be entered in accordance with the report and recommendations of the said Referee, therefore, by reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

It is ordered, Adjudged and decreed, that the several parties plaintiffs and defendants herein named, do have judgment respectively for a right to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to one cubic foot per second, as prescribed by the law

FILED

A.T. Stout,	Lost River,	43 inches from Mar.	1st, 1902. ✓
A.T. Stout,	" "	117 " "	June 1st, 1896. ✓
W.F. Taylor,	Antelope Creek,	100 " "	June 1st, 1884. ✓
Telitha C. Lafever,		160 " "	June 1st, 1885. ✓
Chas D. Lafever,		160 " "	June 1st, 1885. ✓
James F. Kinney,		240 " "	May 1st, 1880. ✓
John G. Richardson,		160 " "	May 1st, 1880. ✓
John G. Richardson,		160 " "	June 1st, 1885. ✓
C.E. Judd,	Antelope Creek,	160 " "	June 1st, 1897. ✓
C.C. Judd,		160 " "	June 1st, 1898. ✓
H.M. Taylor,		157 " "	June 1st, 1883. ✓
C. Wade Stickney,		320 " "	Sept. 30th, 1879. ✓
James N. Hanrahan,		150 " "	Oct. 15th, 1893, which

right is a prior right to the use of one-fourth of the waters arriving at the head of the Smith & Dixon ditch or channel to the extent of 150 inches which said water said Hanrahan may divert from said Creek at any point thereon, and that said Hanrahan's right to the use of 150 inches of the water of said Antelope Creek is prior in time and superior in right as against each and all the parties to the suit of Stickney vs. Hanrahan et al., as to the one-fourth of the waters of said Creek measured at the junction of the Smith & Dixon ditch or channel with said Antelope Creek, saving and excepting the rights of Harvey Warren, James F. Kinney and John G. Richardson, as decreed in the case of Stickney vs. Hanrahan, which are superior to said Hanrahan's right to the waters above the point of the junction aforesaid.

Thomas Cloward,	Lost River,	160 inches from Mar.	1st, 1902. ✓
C.H. Farnsworth,		320 " "	Mar. 1st, 1902. ✓
Thomas Olham,		160 " "	Mar. 1st, 1902. ✓
Teserot L. Wilson,		160 " "	Mar. 1st, 1902. ✓
Wes. Clark,		240 " "	Mar. 1st, 1902. ✓
Claude M. Larter,		160 " "	Mar. 1st, 1902. ✓
Wiley Jones,	Antelope Creek,	400 " "	Aug. 3rd, 1886. ✓
W.E. Cherry,		50 " "	June 1st, 1885. ✓
W.H. Cherry,		150 " "	June 1st, 1886. ✓

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

S T A T E O F I D A H O.

----OFFICE OF STATE ENGINEER----

In the Matter of the Application
for Transfer of Water Right of
Thomas Oldham.

)
)
) D E C I S I O N.

Hearing in the above entitled matter was held at Mackay, Idaho, on July 17, 1918, before S. T. Baer, representing the State Engineer, and the report of said hearing having been filed with the State Engineer by the said S. T. Baer, and the State Engineer being fully informed in the premises, is of the opinion that no injury to individuals or the community will result from the granting of the said application for transfer.

NOW, THEREFORE, It is hereby ordered and decreed that the application of Thomas Oldham for transfer of water right (wherein 1.6 second feet of the waters of Big Lost River shall become dedicated to 75 acres of land, described as follows, to-wit: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.33, T. 9 N., R. 22 E., B.M.; and a tract commencing at the N.E.Cor. of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec.28, T. 9 N., R. 22 E., B.M., running thence S. 80 rods, thence W.80 rods, thence N. 40 rods, thence E. 20 rods, thence N. 40 rods, thence E. 60 rods, to place of beginning, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.28, T. 9 N., R. 22 E., B.M.) be granted and a certificate of transfer be issued to said applicant.

WITNESS the seal and signature of the State Engineer of the State of Idaho, affixed at Boise, Idaho, this 14th day of March, 1919.

Fred A. Perkins

State Engineer.

Fr.

Philly dated
April 16-17.

Mr Fred A. Wilkin-

Dear Mr. Wilkin

Kind enclosed are tolls the
fee for transferring my water
no. 239.

Yours Truly,

Thomas W. W. W.

(ent trans)

RECEIVED

March 15, 1919.

Mr. Thomas Oldham,
Chilly, Idaho.

Dear Sir:--

enclosing herewith certificate of
transfer No. 239.

Please to remit statutory fee of \$1.00 for same.

Very truly yours,

FRED A. WILKIN,

State Engineer.

By _____

CT239

March 14, 1919.

Re: Oldham Transfer.

Mr. Geo. W. Ambrose,
Blackfoot, Idaho.

Dear Sir:

I have again before me for consideration the transfer case of Thos. Oldham. As the case appears in the record, 80 acres of Mr. Oldham's land was swampy where artificial application of water cannot be ~~applied~~ and I understand him, it was this portion of the water right which he desired to transfer. The holding of this office is that such a right cannot be transferred. I therefore ask that he transfer the water from the portion of land that has an unquestionable water right, to-wit: the part which is being artificially irrigated.

The part under swamp I do not attempt to pass upon but I am not willing to admit that he has a transferable water right from a piece of land no longer susceptible of irrigation. I have decided, however, to issue this transfer and leave the question as to the validity of his remaining 80 acres for further determination.

Some people seem to take exception to the doctrine that when land that has a water right, gets into such a condition that it does not need water or where it becomes swampy, that the water right expires, but it is well established doctrine and is absolutely right in principle.

Very truly yours,

FA /MB

State Engineer.

Oldham Transfer. ✓

George L. Ambrose

ATTORNEY AND COUNSELOR AT LAW

MACKAY, IDAHO

582.

December 7, 1918

Mr. Fred A. Wilkie, State Engineer

Boise, Idaho.

Dear Sir:

Replying to your letter of November 29th relative to the Thomas Oldham water right transfer, particularly Paragraph two thereof.

You state that the record of this case shows that Mr. Oldham now owns a water right of 160 inches upon 160 acres of land but of which land 80 acres has become swampy and that the abandonment of the water right thereon would not constitute abandonment at all, because he cuts wild hay thereon without any artificial application of water. I have a copy in my files of the application for transfer and there is no such statement contained in the application for transfer. In his transfer, Mr. Oldham states, "That he desires to use old land for pasture for which purpose it is best adapted and get the new land into hay for which it is best adapted, and use the hay so raised in feeding stock cattle."

Furthermore, Mr. Oldham has not abandoned the water in question for the statutory period and it is a property right which I do not think your office has any right to deprive him of. The condition of your approving the transfer is that he abandon the water right on the entire tract leaving no water right whatever on any portion of the tract from which the water is being transferred.

I insist that you are going beyond your legal right to refuse this transfer. Please take up the matter further and advise me.

Yours very truly,

A/V.

George L. Ambrose
23.

Oldham
Transfer

November 29, 1918.

Re: Transfer of Water Right - Chas. Oldham.

Mr. Geo. L. Ambrose,
Idaho, Idaho.

Dear Sir:

I have your letter of the 23d replying to my questions asked in connection with the transfer of water right, applied for by Mr. Chas. Oldham of Chilly.

According to the record of this case before me, the following appears to be the facts - Mr. Oldham now owns a water right of 160 inches upon 160 acres of land, part of which land has become swampy and the abandonment of the water right thereon would not constitute an abandonment at all, because he cuts hay from said land without any artificial application of water. I deem this portion of the water right to be of no effect and if this transfer is granted, it will require the abandonment of the irrigation of the other portion of the land, which I think Mr. Oldham does not contemplate, but that he expects to transfer that portion of the water right represented by the swampy land and retain 80 inches for use upon the lands that are still susceptible of irrigation.

If the above statement is correct, I feel it my duty to deny the transfer. If Mr. Oldham will clearly indicate to me that he abandons the water right which is still alive, and for that portion of the land not swampy, so that no water right whatever will still remain upon the 160 acres of land where it is now dedicated, I will grant the transfer.

Very truly yours,

F /MB

✓

State Engineer.

George L. Ambrose

ATTORNEY AND COUNSELOR AT LAW

MACKAY, IDAHO

582.

November 23, 1918

Mr. Fred A. Wilkie, State Engineer

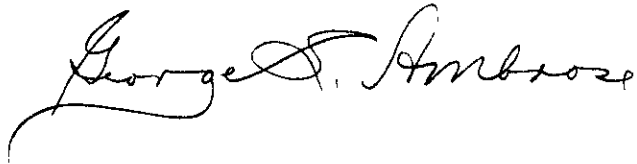
Boise, Idaho

Dear Sir:

Replying to your letter of November 15th relative to the Thomas Oldham transfer, I beg to advise that water was first used through the ditch out of Big Lost River on the land to which Mr. Oldham seeks to transfer the water in question, on May 1, 1913.

Will you kindly expedite this transfer and oblige.

Yours very truly,



A/V.

RECEIVED
NOV 25 1918
IDAHO DEPT. OF AGRICULTURE
BOISE

November 15, 1918.

Re: Oldham Transfer.

Mr. Geo. L. Ambrose,
Mackay, Idaho.

Dear Sir:

In the case of transfer of water right, asked for by Mr. Thos. Oldham of Chilly, I desire to know the date when he first used water through the ditch out of Big Lost River on the lands to which he seeks to transfer the water right in this case.

Mr. Bear who held the hearing and made the report, states that this water has been used on this land in the past, but does not give the date of its first application. The date of the water right which he is transferring seems to be of March 1st, 1902.

An early reply will be appreciated.

Very truly yours,

State Engineer.

FAW/MB

Oldham Trans. ✓

November 12, 1918.

Re: Transfer Thos. Oldham.

Mr. Geo. L. Ambrose,
Lackay, Idaho.

Dear Sir:

Replying to yours of the 9th will say that the transfer has been reported on and is ready for decision. I am going through all these cases now and preparing the decisions as fast as possible. This will be reached in the very near future.

Very truly yours,

State Engineer.

FAT/LB

File: Oldham Trans. ✓

George L. Ambrose
ATTORNEY AND COUNSELOR AT LAW
MACKAY, IDAHO

582.

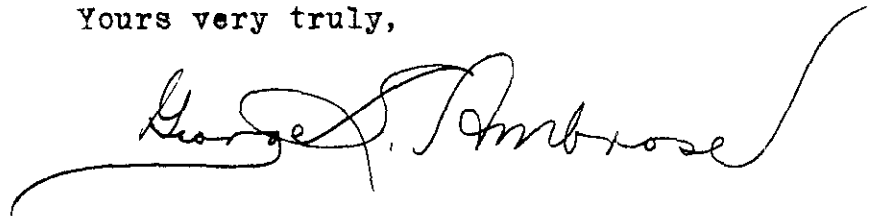
November 9, 1918

Mr. Fred Wilkie, State Engineer
Boise, Idaho

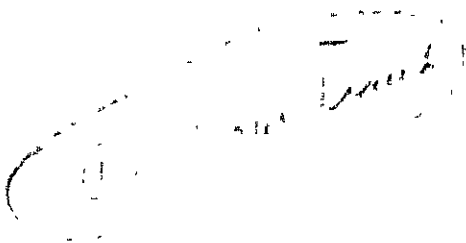
Dear Sir:

Will you kindly advise me the present status for
application of transfer of Thomas Oldham, Chilly, Idaho.
Please advise me at once.

Yours very truly,



A/V



July 20th, 1918.

Mr. Geo. L. Ambrose,
Mackay,
Idaho.

Re: Transfer Water Right--Thos. Oldham

Dear Sir:

Replying to yours of the 5th will say
that the hearing in the case of applica-
tion for transfer of water right of Thos.
Oldham was held on the 17th inst. but
the report thereof has not been filed.
A decision will be rendered as soon as
possible after the filing of the report.

Very truly yours,

PA:GCW

State Engineer.

Oldham Transfer

GEORGE L. AMBROSE
ATTORNEY AND COUNSELOR AT LAW
MACKAY, IDAHO

July 5, 1918

582

Mr. Fred Wilkie, State Engineer
Boise, Idaho

Dear Sir:

Reference is made to the application for transfer
of Thomas Oldham. Proof was advertised to be made before
a representative of your office at Mackay on the 17th inst.

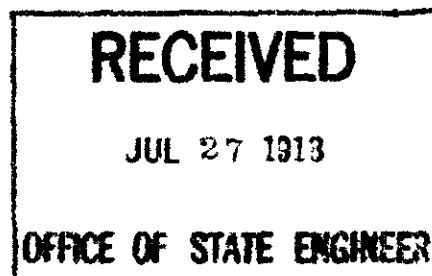
Please advise the status of the matter and notify me
when the transfer has been approved.

Yours very truly,

A/VB

George L. Ambrose

Trans -



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PUBLISHER OF

THE MACKAY MINER

Mackay, Idaho

6-17-18.

Mr. Fred A. Wilkie,
State Engineer,
Boise,
Idaho.

Dear Sir:

This will acknowledge with thanks the receipt of
your favor of June 18th ordering publication of
water notice *R. Thomas Oldham* of Chilly, Idaho.

This will receive our careful attention and appear
for the first time in our issue of June 18th.

Very truly yours,

A. E. Dillingham
By C. B.

RECEIVED

JUN 19 1918

OFFICE OF STATE ENGINEER

Notice of Proposed Transfer of Water Right

Notice is hereby given that **Thomas Oldham** of **Chilly** **Idaho**, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of **eighty (80) inches** of the water of **Big Lost River** from the land upon which it is now used, i. e. **SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 9 N., R. 22 E., B.M.,** to the following described tract: **NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 9 N., R. 22 E., B.M., also the following described tract, to-wit: Commencing at the northeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 23, T. 9 N., R. 22 E., B.M., thence S. 80 rods, thence W. 80 rods, thence N. 40 rods, thence E. 20 rods, thence N. 40 rods, thence E. 60 rods, to place of beginning, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 9 N., R. 22 E.**

And that, on the **17th** day of **July**, A. D. 191 **8**, at **Blackfoot, Idaho**, before the **State Engineer** or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer

Full details of the proposed transfer may be obtained from ~~the State Engineer or his authorized agent~~

Watermaster of said stream. ~~the State Engineer or his authorized agent~~

Fred A. Wilkie,
State Engineer.

June 13, 1918.

Re Oldham Transfer.

Geo. L. Ambrose, attorney,
Mackay, Idaho.

Dear Sir:--

July 17th has been set as the date for the hearing
of the above transfer and notice for publication has today been
mailed to the Mackay Miner.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By_____

June 13, 1918.

Re Notice.

Mackay Miner,
Mackay, 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 Thomas Oldham, of Chilly, to whom you should send proof of publication on or prior to the date of hearing, July 17th.

Please send me 2 copy of the first publication.

Very truly yours,

FRE. A. WILKIE,

State Engineer.

H.

By _____

June 12, 1918.

Re: Application for Transfer - Thos. Oldham.

Mr. Geo. L. Ambrose,
Mackay, Idaho.

Dear Sir:

I have your application for transfer of water right
for Thos. Oldham and have ordered the same advertised.

We have a new form of blank for these applications
and I wish you could secure a supply of the new ones
before sending in any more applications.

Very truly yours,

State Engineer.

PAW/MB

File: Appl. Transfer
Thos. Oldham.

July 17 - Mackay

GEORGE L. AMBROSE
ATTORNEY AND COUNSELOR AT LAW
MACKAY, IDAHO

582

June 10, 1918

Mr. Fred Wilkie, State Engineer
Boise, Idaho

Dear Sir:

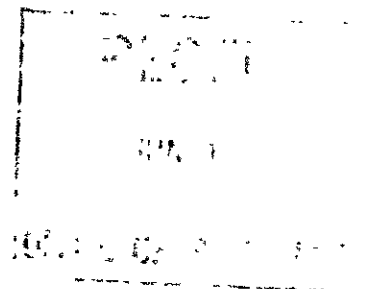
I beg to inclose herewith application for transfer
of eighty (80) inches of water. The application being
signed by Thomas Oldham of Chilly, Idaho.

Please take up this matter in due course and advise
me of any and all actions taken.

Yours very truly,

A/VB

George L. Ambrose



OFFICE OF THE STATE ENGINEER

BOISE, IDAHO.

August 6, 1918.

Re: OLDHAM APPLICATION FOR TRANSFER

DISTRICT No. 27A.

Mr. Fred A. Wilkie,
State Engineer,
Boise, Idaho.

Dear Sir:

On July 15, 1918, I examined the lands in question under the application for transfer of water-right by Thomas Oldham, of Chilly, Idaho.

The lands from which the transfer is asked are in meadow hay, but very swampy. Mr. Oldham stated that he mows the entire 160 acres, but at the time of my visit, it was a veritable lake, and impassable. A very large stream of water was flowing thru the land, aided by water that was rising on the quarter section, and all was emptying into a large slough on the East. Mr. Oldham stated that the North half of the land had not been irrigated for over three years. This fact was evident and the ditches covering same were completely filled in, showing their abandonment. The ditch entering the lands at the N. E. Corner thereof will not carry the decreed right, as it has never been maintained, and seems to be used for domestic and stock purposes only.

The lands to which the transfer is asked are adjacent to the lands to which the water is decreed, and of the 80 acres, about 66 acres are under cultivation and irrigation, as Mr. Oldham has been using the water entirely on this tract of land. The water is conducted to the lands through a separate ditch, and the water-right, for some reason, has never been questioned by watermasters, even though the right is of a date of March 1, 1902. There are only 75 acres in the tract to which the transfer is asked, as Mr. Oldham has sold 5 acre. off of the N. E. corner of the eighty.

Wilburn Duggins, on June 20, 1906, took out permit No. 2090, calling for 0.8 second feet of the waters of Big Lost River, covering the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Tp. 9 N. Rg. 22 E., which is one of the forties mentioned. Proof of completion of works was due June 30, 1908, but was never submitted to this office.

At the hearing which was set for July 17, 1913, at Mackay, Idaho, no one appeared to contest this application.

Respectfully,

A handwritten signature in cursive script, appearing to read "S. J. B. Carr".

Application for Transfer of Water Right

STATE OF IDAHO,

County of Custer

} ss.

Thomas Oldham

, being first duly sworn, deposes and says:

That his name is Thomas Oldham; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Chilly, Custer County, Idaho.

That he is the owner and using a certain water right of 160 inches of the waters of Big Lost River

County of Custer, State of Idaho, decreed to Thomas Olham ³⁻¹⁻⁰²

by decree of Judge Kirtland I. Perky, of the Fourth (Now Sixth) Judicial District of the State of Idaho, in and for the County of

Custer, in the case of S. T. Moe et alvs. Henry Harger et al, said decree bearing date of January 2, 1903.

(or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____), for the purpose of irrigating the

following described lands situate, lying and being in the County of Custer andState of Idaho, to-wit: SE¹/₄ NW¹/₄, SW¹/₄ NE¹/₄, NE¹/₄ SW¹/₄, NW¹/₄ SE¹/₄, Sec. 28,Twp. 9 N., R. 33 E., B. M.

_____ and is the person ~~(or the representative of the cor-~~
~~poration)~~ to whom such right so issued, ~~or has become the owner thereof in the following manner,~~ i. e. said water right having been decreed to this applicant in the name of Thomas Olham, although his true name is Thomas Oldham.

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 approximately in the
NW¹/₄ SW¹/₄, Sec. 29, Twp. 9 N., R. 33 E., B. M.

and conducted to the above described lands through the Chilly Canal and private ditch
as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 80 inches
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 Custer and State of Idaho,

~~North Half of the~~ Northwest Quarter of the Northwest Quarter
(NW¹/₄ NW¹/₄), Sec. 33, Twp. 9 N., R. 22 E., B.M., and also the following
described tract, to-wit:- Commencing at the Northeast corner of the
Southwest Quarter of the Southwest Quarter, Sec. 28, Twp. 9 N., R. 22
E., B.M., running thence S 80 rods, thence W 80 rods, thence N 40 rods,
thence E 20 rods, thence N 40 rods, thence E 60 rods, to place of begin-
ning, in the SW¹/₄ SW¹/₄, Sec. 28, Twp. 9 N., R. 22 E., B.M., containing in
all 75 acres.

~~the new land here~~
raised in feeding stock cattle.

That he intends to divert and convey said.....80 inches.....of water to the tract of land last above described in the following manner, to-wit:

.....Thru the Chilly Canal from Big Lost River, as originally, but.....
.....instead of diverting the water from and thru ditch in NE¹/₄ SW¹/₄, Sec..
29, water will be diverted thru ditch from Chilly Canal in about.....
NE¹/₄ NE¹/₄, Sec. 31, Twp. 9 N., R. 22 E., B.M., The attached map shows.....
.....fully the contemplated manner of diversion.....

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of the Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Thomas Oldham

Subscribed and sworn to before me this 30th day of April

A. D. 1918

George Ambrose
Notary Public for the State of Idaho,
Residing at Mackay, Idaho,
Commission expires October 10, 1920

STATE OF IDAHO,

} ss.

County of Custer

Joseph Clark and *Clarence M. Lister*

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 and near Chilly, that he is a user of water from Big Lost River, County of Custer, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Thomas Oldham, 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.

Joseph Clark
Clarence M. Lister

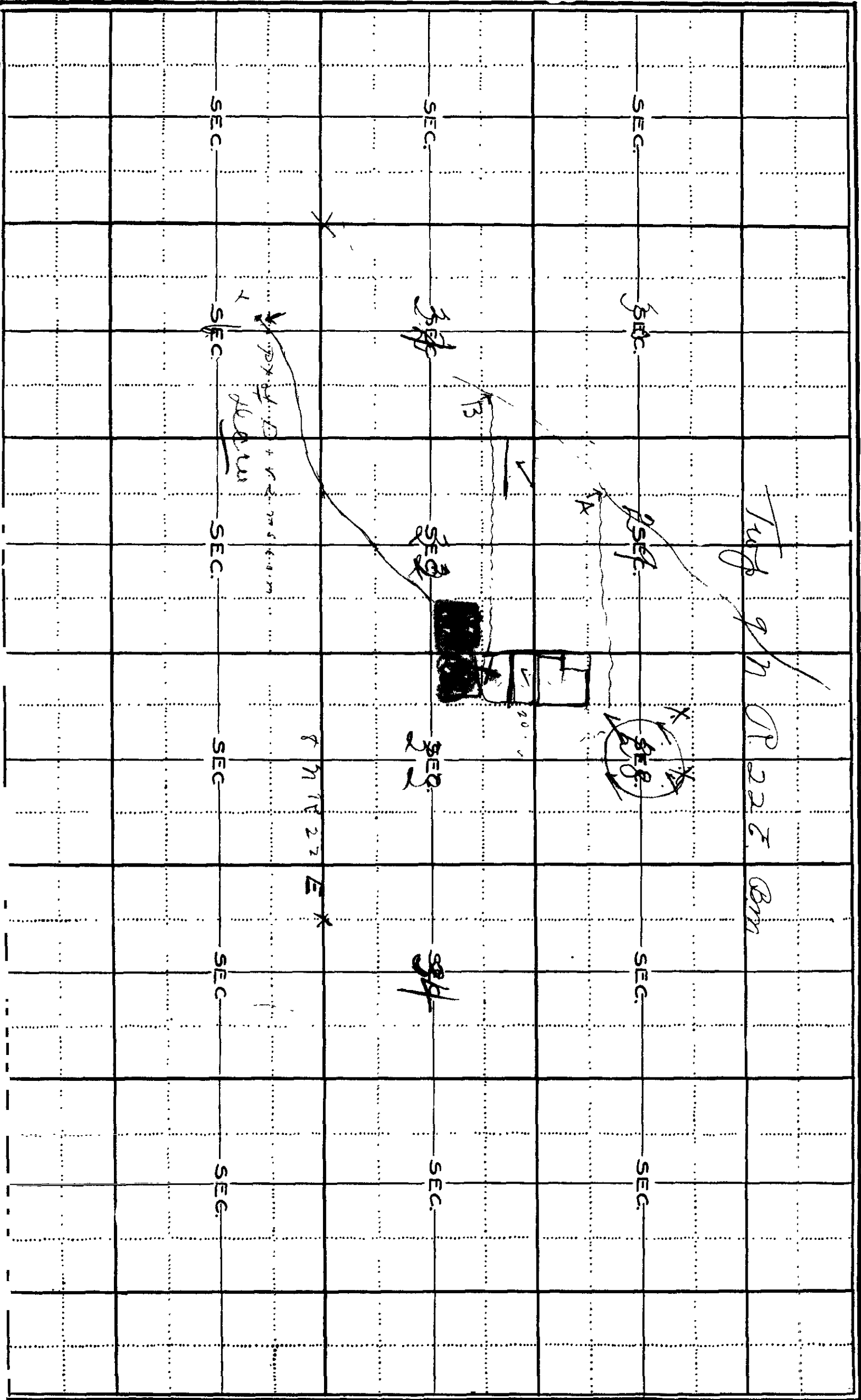
Subscribed and sworn to before me this 30th day of April,

A. D. 1918.

George Ambrose
Notary Public for the State of Idaho,
Residing at Mackay, Idaho,
Commission expires October 10, 1920

Thos. Aldham





STATE OF IDAHO,

County of Custer } ss.

I, Edward Mulligan, Watermaster of District No. 27 A.,
County of Custer, State of Idaho, whose postoffice address is
Chilly, Idaho, have read or heard read the foregoing affidavit and petition of
Thomas Olsson, 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 State Engineer 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:~~

x Ed Mulligan
Watermaster.

Notice having been duly published for thirty days of the intention of the above named
to apply to the State Engineer of the State of Idaho for a certificate
authorizing the transfer of water as set forth in this affidavit and petition herein, and an opportunity having
been given to any and all persons opposing said transfer to present their objections in a public hearing before
me at _____, on _____, according to
the terms of said notice;

And it not appearing at said hearing that anyone would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said appli-
cant, authorizing the transfer as prayed for in his petition; or (and it appearing at said hearing that the fol-
lowing injuries would be sustained by others if such transfer is permitted)

I hereby recommend that the State Engineer do not issue the certificate authorizing the transfer sought
hereinabove.

Commissioner of Water Division No. _____

By _____