

Application For Transfer of Water Right

STATE OF IDAHO

County of Custer

ss.

RECEIVED
DEC 11 1956

Department of Reclamation

OTTO L. JOHNSON, being first duly sworn, deposes and says:

That his name is OTTO L. JOHNSON; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is P.O. Box 305 Mackay, Idaho

That he is the owner and using a certain water right, bearing date of priority of Aug. 30, 1909 and May 1, 1905 for 3.2 cubic feet per second of the waters of Warm Spring Creek

County of Custer, State of Idaho, decreed to OTTO A. JOHNSON by decree of Judge, E. S. Farrington of the U. S. Eastern Div. #222 Judicial District of the State of Idaho, in and for the County of Custer, in the case of Utah Construction Co. vs. John F. Abbott, et al, said decree bearing date of March 15, 1923

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

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 27 in the County of Custer and State of Idaho, to-wit: SW 1/4 Sec. 27, Tp. 8N., Range 22E BM

_____ 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. 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 in the NE Cor. of SW 1/4 NW 1/4 of Section 28, Township 8N., Range 22 East, B. M., and conducted to the above described lands through private ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.6 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 Custer and State of Idaho, to-wit:

N 1/4 Sec. 34 & S 1/4 Sec 27 Tp. 8N., Range 22 E BM.

That his reasons for desiring to make such transfer are as follows: put water to better advantage on better soil.

1.6 c.f.s. of 1909 right transferred by transfer Dec. 1956 to 7 1/4 Sec 14, Sec. 28

MICROFILMED

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SEC.

33

22

28

34

15

NEW DITCH
ACROSS
RIVER
LAND
TRANSFERS
1/15

OLD DITCH

WARM SPRING CREEK

PT. OF DIVERSION

MICROFILMED

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
34-00399	JOHNSON, OTTO A.	C	05/01/1905	D/	WARM SPRINGS CREEK	IRR	WR
X34-00399	BROKEN RIVER RANCH LP	C	05/01/1905	D/	WARM SPRINGS CREEK	IRR	WR
						STOCK	
34-00399	BROKEN RIVER RANCH	C	05/01/1905	D/	HAMILTON SPRINGS	IRR	AJ
						STOCK	
A34-00399	BROKEN RIVER RANCH	C	05/01/1905	D/	HAMILTON SPRINGS	IRR	AJ
R34-00399	BROKEN RIVER RANCH	C	05/01/1905	D/	WARM SPRINGS CREEK	IRR	AJ
						STOCK	

MICRO-FILMED
1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5552
WATER RIGHT NO(S). 34-00398/34-00399/34-00861A/34-00868/34-07010

This is to certify that: **BROKEN RIVER RANCH LP**
C/O ROY E CRAWFORD
5660 W 4920 N
MACKAY ID 83251

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 34-00398 :			
Priority: 08/30/1909			
IRRIGATION	05/01 to 10/15	2.00 CFS	350.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4.0 AF
		2.00 CFS	354.0 AF
Right No. 34-00399 :			
Priority: 05/01/1905			
IRRIGATION	05/01 to 10/15	1.20 CFS	210.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4.0 AF
		1.20 CFS	214.0 AF
Right No. 34-07010 :			
Priority: 08/28/1968			
IRRIGATION	05/01 to 10/15	1.60 CFS	276.8 AF
		4.34 CFS *	599.2 AF **
SUBTOTAL			
Right No. 34-00861A :			
Priority: 05/01/1894			
IRRIGATION	05/01 to 10/15	2.98 CFS	455.0 AF
Right No. 34-00868 :			
Priority: 12/06/1913			
IRRIGATION	05/01 to 10/15	3.20 CFS	484.8 AF
		10.52 CFS **	1539.0 AF **
TOTAL			

MICROFILMED

TRANSFER NO. 5552
WATER RIGHT NO(S) . 34-00398/34-00399/34-00861A/34-00868/34-07010

SOURCETRIBUTARY OF

Right Nos. 34-00398/34-00399/34-00861A :
WARM SPRINGS CREEK BIG LOST RIVER

Right Nos. 34-00868 :
BIG LOST RIVER SINKS

Right Nos. 34-07010 :
GARDEN CREEK SINKS

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 34-00398/34-00399/34-00861A :
NWNESEW , Sec. 27, Township 08N, Range 22E
CUSTER County

Right Nos. 34-00868 :
Injection NESWNW , Sec. 15, Township 08N, Range 21E
Reriversion SWSWNW , Sec. 27, Township 08N, Range 22E
NWNESEW , Sec. 27, Township 08N, Range 22E
CUSTER County

Right Nos. 34-07010 :
Injection SWSE , Sec. 28, Township 08N, Range 22E
Reriversion SWNE , Sec. 28, Township 08N, Range 22E
NWNESEW , Sec. 27, Township 08N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	22E	27	SWNW 31.0	SENW 32.0	NESW 34.4	
			NWSW 36.0	SWSW 32.0	SESW 32.0	
			SWSE 32.0	SESE 32.0		261.4
	28		NESE 40.0	NWSE 40.0		80.0
	34		NWNE 32.0	NENW 32.0	NWNW 32.0	96.0
Total number of acres irrigated:						*** 437.4

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
08N	22E	27	SWNW	SENW	NESW
			NWSW	SWSW	SESW
			SWSE	SESE	
	28		NESE	NWSE	
	34		NWNE	SWNE	NENW
			NWNW		

MICROFILMED

TRANSFER NO. 5552
WATER RIGHT NO(S) . 34-00398/34-00399/34-00861A/34-00868/34-07010

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The total instantaneous diversion of water from all points of diversion under Transfer 5552 shall not exceed 10.52 cfs, nor total combined annual volume of 1539.0 af.
7. Prior to the diversion and use of water under Rights 34-00868 and 34-07010, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and the point of redirection from Warm Springs Creek.
- *** 8. Right 34-00398 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
- *** 9. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
- *** 10. Right 34-07010 is limited to the irrigation of 79.1 acres in the place of use described above in a single irrigation season.
- * 11. Rights 34-00398, 34-00399 and 34-07010 when combined shall not exceed a total diversion rate of 4.34 cfs, a total annual maximum diversion volume of 599.2 af at the field headgate, for the irrigation of 168.9 acres and stockwater use.
- *** 12. Right 34-00861A is limited to the irrigation of 130.0 acres in the place of use described above in a single irrigation season.
- *** 13. Right 34-00868 is limited to the irrigation of 138.5 acres in the place of use described above in a single irrigation season.
- ** 14. Rights 34-00398, 34-00399, 34-00861A, 34-00868 and 34-07010 when combined shall not exceed a total diversion rate of 10.52 cfs, a total annual maximum diversion volume of 1539.0 af at the field headgate, for irrigation of 437.4 acres and stockwater use.

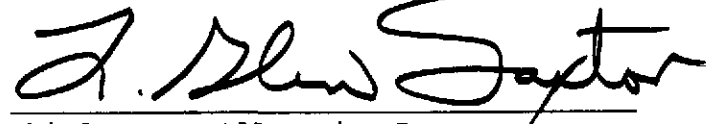
MICROFILMED

TRANSFER NO. 5552
WATER RIGHT NO(S) . 34-00398/34-00399/34-00861A/34-00868/34-07010

CONDITIONS OF APPROVAL AND REMARKS

15. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/20 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Diversion from Warm Springs Creek under Rights 34-00398 and 34-00399 is limited to those times water is available for diversion under these rights and priorities from the original source, Hamilton Springs.
17. The quantity of water under Rights 34-00398 and 34-00399 for stockwater use is not a determination of historical beneficial use, and shall not exceed 13,000 gallons per day.
18. Water is diverted by pumps and a headgate diversion within the NWNESW, S27, T08N, R22E.

Dated this 21st day of March, 2000.


Chief, Water Allocation Bureau

MICROFILMED
APR 3 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5131
WATER RIGHT NO(S). 34-00398/34-00399

This is to certify that: **BROKEN RIVER RANCH LTD**
5660 W 4920 N
MACKAY ID 83251

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 34-00398 :			
IRRIGATION	05/01 to 10/15	2.00 CFS	350.0 AF
STOCKWATER	10/16 to 04/30	0.02 CFS	4.0 AF
Priority: 08/30/1909			
		2.00 CFS	354.0 AF
Right No. 34-00399 :			
IRRIGATION	05/01 to 10/15	1.20 CFS	210.0 AF
STOCKWATER	10/16 to 04/30	0.02 CFS	4.0 AF
Priority: 05/01/1905			
		1.20 CFS	214.0 AF
TOTAL:		* 3.20 CFS	* 568.0 AF

SOURCE

TRIBUTARY OF

** WARM SPRINGS CREEK

BIG LOST RIVER

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 27, Township 08N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	22E	27	NWSW 19.5	SWSW 29.5	SESW 7.1	56.1
		28	NESE 27.3	NWSE 35.0		62.3
		34	NENW 30.0	NWNW 20.5		50.5

Total number of acres irrigated: *** 168.9

PLACE OF USE: STOCKWATER

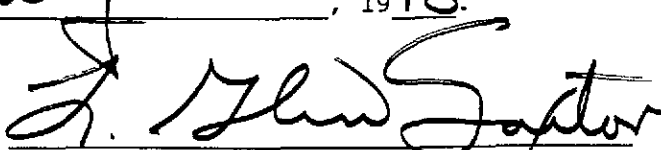
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
08N	22E	27
		NWSW

TRANSFER NO. 5131
WATER RIGHT NO(S). 34-00398/34-00399

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- *** 6. Right 34-00398 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
- *** 7. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
- * 8. Rights 34-00398, 34-00399 and 34-07010 when combined shall not exceed a total diversion rate of 4.34 cfs, a total annual maximum diversion volume of 599.2 af at the field headgate, the irrigation of 168.9 acres and stockwater use.
- ** 9. Diversion from Warm Springs Creek is limited to those times water is available for diversion under this right and priority from the original source, Hamilton Springs.
10. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. The quantity of water under this water right for stockwater use is not a determination of historical beneficial use.

Dated this 14th day of July, 1998.


Chief, Water Allocation Bureau

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Johnson, Otto A.	1.2		34-0399
878	Johnson, Otto L.	1.2	0	34-0399A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 878

THIS IS TO CERTIFY That OTTO L. JOHNSON of Mackay, Idaho, is the owner of and using a certain water right from Warm Springs Creek in the amount of forty hundredths (0.40) cubic feet per second bearing date of priority of August 30, 1909 and one and two hundredths (1.20) cubic feet per second bearing date of priority of May 1, 1905, said water being decreed to Otto A. Johnson, by Judge E. S. Farrington of the United States District Court in and for the District of Idaho, Eastern Division, in the case of

UTAH CONSTRUCTION COMPANY

Plaintiff

vs.

JOHN F. ABBOTT, et al.,

Defendants,

said decree bearing date of March 15, 1923, and being appurtenant to the following described lands, to-wit:

S $\frac{1}{2}$ W $\frac{1}{2}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27,
Township 8 North, Range 22 E., B. M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees beginning at Page 104 thereof.

That said OTTO L. JOHNSON has become the owner of said water right through purchase.

And that now, upon the application of OTTO L. JOHNSON of Mackay, Idaho, for the transfer of One and six-tenths (1.6) cubic feet per second of the waters of Warm Springs Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted the right to the use of One and six-tenths (1.6) cubic feet per second of the waters of Warm Springs Creek upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

N $\frac{1}{2}$ W $\frac{1}{2}$, Section 34, and the S $\frac{1}{2}$ SW $\frac{1}{4}$,
Section 27; 8 North, Range 22 E., B. M.

That the said water is to be 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:

Forty-hundredths (0.40) cubic foot per second bearing priority date August 30, 1909, and one and twenty-hundredths (1.20) cubic feet per second with priority date of May 1, 1905.

That the water right hereby transferred has heretofore been conducted from Warm Springs Creek to the first above described lands through private ditch with point of diversion in the N W $\frac{1}{4}$ Section 28, Township 8 North, Range 22 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through private ditch with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of February, A. D. 1957.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

DEPARTMENT OF RECLAMATION

NO. 878

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 878

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UTAH CONSTRUCTION COMPANY

Plaintiff

vs.

JOHN F. ABBOTT, et al.,

Defendants,

said decree bearing date of March 15, 1923, and being appurtenant to the following described lands, to-wit:

S $\frac{1}{4}$ N $\frac{1}{4}$ W $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27,
Township 8 North, Range 22 E., B. M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees beginning at Page 104 thereof.

That said OTTO L. JOHNSON has become the owner of said water right through purchase.

And that now, upon the application of OTTO L. JOHNSON of Mackay, Idaho, for the transfer of One and six-tenths (1.6) cubic feet per second of the waters of Warm Springs Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted the right to the use of One and six-tenths (1.6) cubic feet per second of the waters of Warm Springs Creek upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

N $\frac{1}{2}$ N $\frac{1}{4}$ W $\frac{1}{4}$, Section 34, and the S $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 27; 8 North, Range 22 E., B. M.

That the said water is to be 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:

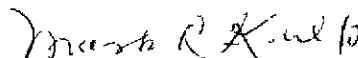
Forty-hundredths (0.40) cubic foot per second bearing priority date August 30, 1909, and one and twenty-hundredths (1.20) cubic feet per second with priority date of May 1, 1905.

That the water right hereby transferred has heretofore been conducted from Warm Springs Creek to the first above described lands through private ditch with point of diversion in the NW $\frac{1}{4}$ Section 28, Township 8 North, Range 22 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through private ditch with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of February, A. D. 1957.


MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

OTTO L. JOHNSON)

of)

MACKAY, IDAHO)

ORDER GRANTING TRANSFER

NO. 878

For a Transfer of Water Right, in Water)
District No. 27, Custer County, Idaho)

WHEREAS, On the 3rd day of January, 1957, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of OTTO L. JOHNSON of Mackay, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby:

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of February, A. D. 1957.


MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

OTTO L. JOHNSON
of
MACKAY, IDAHO)

ORDER GRANTING TRANSFER

NO. 878

For a Transfer of Water Right, in Water
District No. 27, Custer County, Idaho)

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MARK H. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 878

THIS IS TO CERTIFY That OTTO L. JOHNSON of Mackay, Idaho, is the owner of and using a certain water right from Warm Springs Creek in the amount of forty hundredths (0.40) cubic foot per second bearing date of priority of August 30, 1909 and one and two ^{hundredths} hundredths (1.20) cubic feet per second bearing date of priority of May 1, 1905, said water being decreed to Otto L. Johnson, by Judge E. S. Farrington of the United States District Court in and for the District of Idaho, Eastern Division, in the case of

UTAH CONSTRUCTION COMPANY

Plaintiff

vs.

JOHN F. ABBOTT, et al.,

Defendants,

said decree bearing date of March 15, 1923, and being appurtenant to the following described lands, to-wit:

S $\frac{1}{2}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27,
Township 8 North, Range 22 E., B. M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees beginning at Page 104 thereof.

That said OTTO L. JOHNSON has become the owner of said water right through purchase.

And that now, upon the application of OTTO L. JOHNSON of Mackay, Idaho, for the transfer of One and six-tenths (1.6) cubic feet per second of the waters of Warm Springs Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted the right to the use of One and six-tenths (1.6) cubic feet per second of the waters of Warm Springs Creek upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 34, and the S $\frac{1}{2}$ SW $\frac{1}{4}$,
Section 27; 8 North, Range 22 E., B. M.

That the said water is to be 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:

Forty-hundredths (0.40) cubic feet per second bearing priority date August 30, 1909, and one and twenty-hundredths (1.20) cubic feet per second with priority date of May 1, 1905.

That the water right hereby transferred has heretofore been conducted from Warm Springs Creek to the first above described lands through private ditch with point of diversion in the N W $\frac{1}{4}$ Section 28, Township 8 North, Range 22 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through private ditch with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of February, A. D. 1957.

MARK R. KULP
State Reclamation Engineer

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Otto L. Johnson of P. O. Box 305 Mackay, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Warm Springs Creek as follows:

Amount: 0.4 cubic feet per second, Priority: August 30, 1909; 1.2 cubic feet per second, Priority: May 1, 1905.

Point of diversion: NE $\frac{1}{4}$ and

SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 8, Range 22 E., B. M.

Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, Township 8, N., Range 22 E., B. M.

To be Transferred to

Point of Diversion: NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 8, Range 22 E., B. M.

Place of Use: N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 34 and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 27, Township 8 N., Range 22 E., B. M.

And that on the 3d day of January, 1957, at 10 o'clock A. M., at Room 107, State House, Boise, Idaho before the State Reclamation 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.

MARK R. KULP

State Reclamation Engineer

Pub. 12-20 and 27, 1956

Affidavit of Publication

RECEIVED
JAN 2 1957
Department of Reclamation

State of Idaho

County of Custer

ss.

T. E. Hanawalt
I, ~~F. A. Sprakes~~, Editor of THE MACKAY MINER, a weekly

newspaper of General Circulation published weekly at Mackay, Idaho,

continuously since February 16, 1906, 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 December 20, 1956, and ending with

the issue dated December 27, 1956.

T. E. Hanawalt
Subscribed and sworn to before me this 31st day

of December, 1956

[Signature]
Notary Public

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

OTTO L. JOHNSON,
of Mackay, Idaho

For a Change of Point of Diversion on
Warm Springs Creek, Custer County,
Idaho, in Water District No. 27.

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

No. 238

WHEREAS, On the 14th day of June, 1956, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Otto L. Johnson, of Mackay, Idaho, for a change of point of diversion on Warm Springs Creek, a tributary of Big Lost River, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protests have been filed against the application, and the evidence filed by the applicant, with the application, shows that a more efficient and beneficial use of the water will be obtained by such change, and that no other water user will be injured thereby:

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of ~~October~~, A. D. 1956.

Dec.

(SEAL)

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE FOR CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT

No. 238

THIS IS TO CERTIFY That Otto L. Johnson, of Mackay, Idaho, is the owner of and using a certain water right from Warm Springs Creek, a tributary of Big Lost River, as follows:

1.2 cubic feet per second, with priority of May 1, 1905;
2.0 cubic feet per second, with priority of August 30, 1909

said water being decreed to Otto A. Johnson by Judge L. S. Farrington, of the United States District Court in and for the District of Idaho, Eastern Division, in the case of

UTAH CONSTRUCTION COMPANY,

Plaintiff,

Vs.

JOHN F. ABBOTT, et al.,

Defendants,

said decree bearing date of March 15, 1923, and being appurtenant to the following described lands, to-wit:

S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27,
Township 8 North, Range 22 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at page 104, thereof.

That said Otto L. Johnson has become the owner of said water right by purchase.

And that now, upon the application of Otto L. Johnson, of Mackay, Idaho, for a Certificate of Change of Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to change the point of diversion of 3.2 cubic feet per second of the waters of Warm Springs Creek is HEREBY GRANTED.

That said change of point of diversion shall not modify in effect said decreed water rights or place of use.

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amounts, to-wit:

1.2 cubic feet per second, with priority of May 1, 1905
2.00 cubic feet per second, with priority of August 30, 1909.

That the water right hereby transferred has heretofore been conducted from Warm Springs Creek to the first above described lands, through a private ditch, with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, Township 8 North, Range 22 East, B. M.

That the water right hereby transferred will hereafter be conducted from Warm Springs Creek to the same lands, through private ditches with points of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 28, and NW $\frac{1}{4}$ Section 27; all in Township 8 North, Range 22 East, B. M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of October, A. D. 1956.
Dec.

Mark R. Kulp
MARK R. KULP

(SEAL)

State Reclamation Engineer

Affidavit of Publication

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Otto L. Johnson of Mackay, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion of the waters of Warm Springs Creek as follows: Amount: 1.2 cubic feet per second with priority of May 1, 1905, —

2.0 cubic feet per second with priority of August 30, 1909. Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 8 N., Range 22 E. Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, Township 8 North, Range 22 East.

Transfer to —
Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 28; NW $\frac{1}{4}$ Section 27, all in Township 8 North, Range 22 East.

And that on the 14th day of June, 1956 at 10:00 o'clock A. M., at 107 State House Boise, Idaho before the State Reclamation 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.

MARK R. KULP,
State Reclamation Engineer

Publish June 7 - 14, 1956

State of Idaho

County of Custer

ss.

Ruth Hanawalt
I, ~~F. A. Sparkes~~, Editor of THE MACKAY MINER, a weekly

newspaper of General Circulation published weekly at Mackay, Idaho, continuously since February 16, 1906, 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 2 consecutive weeks, commencing with the

issue dated June 1, 1956, and ending with

the issue dated June 14, 1956.

Ruth Hanawalt
Subscribed and sworn to before me this 29th day

of

June 6, 1956
Eugene H. [Signature]

Notary Public

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,

County of Custer,

ss.

Otto L. Johnson, being first duly sworn, deposes and says: That his postoffice address is Mackay, Idaho; That he is the owner of and using a certain water right, bearing date of priority of Aug. 30, 1902, 1902, for 2.8 cubic feet per second of the waters of Warm Springs Creek, Trib. of Lost River County of Custer, State of Idaho, decreed to Otto L. Johnson by decree of Judge F.S. Farrington, of the U.S. District / Court Eastern Division of the State of Idaho, in and for the County of Custer, in the case of Utah Construction Company vs. John F. Abbott, et al., said decree bearing date of March 15, 1923, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 27, in the County of Custer, and State of Idaho, to-wit: S1NW1, N1SW1 Section 27, Twp. 8.N., R. 22.E.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: By Purchase,

That said waters are now diverted from said stream in the SW 1/4 NW 1/4 of Sec. 28, Twp. 8.N., Range 22.E., and conducted to the above described lands through the Private ditch, as per map filed herewith and of this affidavit made a part;

The affiant desires to add two additional points of diversion, N.E. Sec 28

That affiant desires to ~~change the point of diversion of said water from the point above described~~

and to a point located in 1/4 of NW 1/4, Sec. 27, Twp. 8.N., Range 22.E.,

and thereafter conduct same to the above described land through the Private ditch, as per map above referred to:

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

Requires two additional points of diversion to properly irrigate said lands. as the creek has divided his acreage to be irrigated.

That no one will be injured by such change and that such change will be made at affiant's own risk.

Otto L. Johnson

Affiant.

Subscribed and sworn to before me this 15 day of May, 1956

A. J. Hutto
Notary Public

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

I hereby approve or ~~disapprove~~ the above stated change of point of diversion

Watermaster
Watermaster, District 27,

IN EQUITY NO. 222

DECREE

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

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

John F. Abbott, William Adams, A. P. Adair, Esther L. Adair (successor in interest of A. P. Adair, Eugene A. Aern, Andreas Aikele (or A. Aiken), Calvin S. Allen, Frank A. Allen, Gladys Allen, L. C. Allen, Richard Roe Alson, George L. Ambrose, Charles B. Anderson, Francis G. Anderson (or Francis C. Anderson, F. Gus Anderson (or F. G. Anderson or Gus Anderson,) H. W. Anderson, Hyrum Anderson, James E. Anderson, Jas. Earl Anderson, J. L. Anderson, James P. Anderson, Josephine Anderson, J. Wesley Anderson, Jos. W. Anderson (or J. W. Anderson), N. A. Anderson, Nels R. Anderson, Peter C. Anderson (or P. C. Anderson), S. W. Anderson, W. W. Anderson, Louis Andreason (or Lewis Andreson), H. W. Angelo (or Wallace Angelo), Frank Anthony, Marie L. Anthony, Arco Townsite Company, an unincorporated Association; Eleazer Asay, Ernest W. Asay, Emma M. Ashton, Margaretta S. Askew, Anna Atha (or Annie Atha), Ivan J. Atwood, J. H. Augustine.

Mrs. Hannah Babcock (or Mrs. Albern Babcock, A. Rowley Babcock (or R. Babcock), William Babcock (now deceased), Jacob F. Baird, Bank of Nyssa, an Oregon Banking corporation; John L. Bardsley, Josie Bardsley, Jerome K. Bartlett (or J. K. Bartlett), A. H. Bascom, E. W. Bascom, Pete Basick, Harlow Bassett (or H. Bassett), Clara M. Bate, J. M. Bate (or Joseph M. Bate), Ralph Bate, E. J. Bates, Leslie Bates, Erin Beal (or Aron Beal) or C. Beal, Eldon E. Beck; J. W. Beck and John Doe (or John Pingree) and Richard Roe (or F. S. Lack,) as statutory trustees of Beck Land Livestock Company, a defunct Idaho Corporation; William Beck, Beck Land and Livestock Company, an Idaho corporation; A. W. Bell, Lee Bell, John C. Bell, J. L. Bell, George Bennett (or George Bennetts), James Bennetts, F. S. Bernard, John Bernard (successor in part to New World Life Insurance Company); Gus Bertsch, Agnes T. Best (or Agnes Best), Harold C. Best (or Harold Best), Alexander Beverland, Francis Beverland (successor in interest of James Beverland), George Beverland, Effie Beverland (or Mrs. George Beverland), James Beverland, as executor of the estate of Charles Beverland, deceased; James Beverland, Joana Beverland, Henry Bews (or Harry Bews), Peter Bidegain, Lota C. Billings, Elizabeth Bills, John L. Bills, Norman Bills, Ole Bills, Albert F. Bischoff (or A. F. Bischoff), Lewis A. Bitton (or John Doe Britton), Tina Bitton (or Tina Britton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Heber G. Johnson); Charles H. Black, Mary E. Black, Nils S. Bladh (successor in interest of Ole Bills), John L. Blosser (or John L. Blasser), Henry Blattner, Lulu E. Bliss, Phillip R. Bliss, Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Joseph A. Boillin, Rhoda Boling, Rachael Boone, Wm. A. Boone, David S. Boyack (or D. Boycock or David D. Boycock, Jr.), Sylvanus Boyack (or S. Boycock), Mary E. Boyd, Robert G. Boyd (successor in interest of Charles H. Rampton), I. W. Boyer, Elizabeth Bradshaw (now deceased), George Bradshaw, John Bradshaw, Pearl Bradshaw, William Bradshaw, William Bradshaw, as administrator of the estate of Elizabeth Bradshaw, deceased (substituted for Elizabeth Bradshaw deceased); Francis Braithwaite, R. F. Braithwaite (or Robert Braithwaite), William F. Braithwaite, H. C. Brake, William H. Brashear, H. T. Brengman, Charles Brown, Edna Brown, Edna E. Brown, as executrix of the estate of Martin W. Brown, deceased (substituted for

Ole Johnson, E. R. Johnson,
J. L. Johnson & Elmer C. Morgan.

1888-June 1 71 0097 2.4 c.f.s.

To be diverted from Big Lost River through the Darnley ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The West half of the Northwest quarter of Section 14 and the East half of the Northeast quarter of Section 15, all in Township 5 North, Range 26 East, B. M.; also commencing at a point 12 rods due South of the Northeast corner of the Southeast quarter of the Southeast quarter of Section 10, Township 5 North, Range 26 East, B. M., thence South along the East line thereof to the Southeast corner of said Southeast quarter of said Section 10, thence along the South line thereof to the Southwest corner thereof thence 25 rods, thence in a northeast direction across the said Southeast quarter of the Southeast quarter to the point of beginning containing $103\frac{1}{4}$ acres; also a fractional part of the Southeast quarter of the Southeast quarter of said Section 10 bounded and described as follows:

Commencing at a point 25 rods North of the Southwest corner of said Southeast quarter of the Southeast quarter of Section 10; thence along the West line of said quarter section to the Northwest corner thereof, thence East along the North line of said quarter section to the Northeast quarter thereof, thence South 12 rods, thence in a Southwesterly direction across the said Southeast quarter of the Southeast quarter of Section 10, to place of beginning containing $10.93\text{-}3\frac{3}{4}$ acres.

To be diverted from Warm Springs Creek through . private ditches having their points of diversion in the Northwest quarter of Section 28, Township 8 North, Range 22 East, B. M., for use on the following described land, to-wit:

The South half of the Northwest quarter and the South half of the Southeast quarter of Section 27, Township 8 North, Range 22 East, B. M.

No. 247.

Otto A. Johnson

1909-August 30 74 0098 2.0 c.f.s.

1905-May 1 74 0099 1.2 c.f.s.

Trans. 960-8-30-09-16095

878-8-30-09-04 "

5-1-12 "

No. 248

MEMORANDUM

TO: FILE 34-00399

FROM: PAM SKAGGS

RE: TRANSFER # 5552

DATE: 9/23/99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 34-00398.

MICROFILMED

MAR 22 2005

MEMORANDUM

TO: Files 34-00398 & 34-00399

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5131

DATE: July 13, 1998

Transfer 5131 changes the point of diversion[✓] and source[✓] under Rights 34-00398 and 34-00399. The point of diversion is proposed to be moved from Hamilton Springs to the tributary Warm Springs Creek to consolidate pumping locations and increase efficiency in delivery to the adjacent place of use. These rights are used in conjunction with Right 34-07010 (See Transfer 5130) to irrigate the 168.9 acres identified under this transfer.

Diversion volume was adjusted to current standards to represent the uses as recommended[✓] in the SRBA. Recommended conditions include watermaster control, measuring device & lockable controlling works, permissible place of use, combined right limits, diversion limited to availability from original source, stockwater limits, irrigation overlap and standard transfer conditions.

MEMORANDUM

TO: FILE 34-00399

FROM: PAM SKAGGS

RE: TRANSFER # 5131

DATE: 8-24-97

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 34-00398.

MICROFILMED
OCT 26 1998

February 20, 1957

RE: Transfer of Water Right No. 878

Mr. Otto L. Johnson
Mackay, Idaho

Dear Mr. Johnson:

Enclosed herewith is Certificate of Transfer of Water Right, transferring 1.6 cubic feet per second of the water of Warm Springs Creek to the N1/4, Sec. 34, and the S1/4, Sec. 27, Twp. 8 N., Rge. 22 E.

We are also sending a signed copy as of this date to the Bureau of Land Management, Boise, Idaho, as per your instructions, as evidence of water right in connection with a Desert Land Filing on the N1/4, Sec. 34, and S1/4, Sec. 27, Twp. 8 N., Rge. 22 E.

Please send to this office \$1.00 recording fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:vem

Encl.

cc. Land Office
cc. J.H. Pearson, Watermaster Dist. #27
Moore, Idaho

December 18, 1956

Mr. Otto L. Johnson
Box 305
Mackay, Idaho

Dear Mr. Johnson:

We enclose herewith Certificate for Change of Point of Diversion of 3.2 cubic feet per second of the waters of Warm Springs Creek, a tributary to Big Lost River, as applied for.

By this same mail, we are sending a copy of this certificate to Mr. J. H. Pearson, Water Master of Water District No. 27 for his information.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:ab
Encl.

cc:-J. H. Pearson
Mackay, Idaho

December 11, 1956

Mr. Otto L. Johnson
P. O. Box 305
Mackay, Idaho

Dear Mr. Mackay:

Your letter of December 8th received enclosing an Application for Water Transfer transferring 0.4 c.f.s. of August 30, 1909 right and 1.2 c.f.s. of May 1, 1905 priority.

We wish to state that we have on this date sent the Notice of Publication to the Mackay Miner for publication and at the end of the two weeks' publication, we will hurry and get out the Certificate of Transfer for you and send one copy to the Bureau of Land Management here at Boise.

I have taken this matter up with the Bureau of Land Management as suggested in your letter and they have put a notation in their files stating that this transfer would be processed within the next three weeks, which time will be favorable with them.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:ab

T. E. HANAWALT, Publisher

RUTH M. HANAWALT, Editor

The Mackay Miner

Printers - Publishers

Mackay, Idaho

December 13, 1956

RECEIVED
DEC 17 1956
Department of Reclamation

Roy Thompson

Boise, Idaho;

This is an acknowledgement of the Notice of the Transfer of
Water Right for Otto Johnson which will be published in the Mackay
Miner Dec 20 and 27.

Yours Truly

Ruth Hanawalt

Not 1.6 c. of the
1909 right transferred
by transfer - No. 866

RECEIVED

Post

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Date: December 11, 1956

The Mackay Miner
Mackay, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **January 3, 1957** the date set for hearing, the expense of the publication to be paid by the applicant, **Otto L. Johnson** of P. O. Box **305, Mackay, Idaho**, to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Otto L. Johnson of
P. O. Box 305, Mackay, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing him to change ~~the point of diversion~~
~~the~~ and/or place of use of the waters of Warm Springs Creek as follows:
Amount: 0.4 cubic feet per second Priority: August 30, 1909
1.2 cubic feet per second. Priority: May 1, 1905
Point of diversion: NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 8, Range 22 E., B. M.
Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, Township 8 N., Range 22 E., B. M.

To Be Transferred To

Point of diversion: NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 8, Range 22 E., B. M.
Place of Use: N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 34 and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 27, Township 8 N.,
Range 22 E., B. M.

And that on the 3d day of January, 19 57, at 10 o'clock A. M.,
at Room 107, State House, Boise, Idaho before the State Reclamation 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.

MARK R. KULP

State Reclamation Engineer

RECEIVED
DEC 21 1956

Box 365
Blackfoot, Ida.
Dec. 8, 1956

Department of Reclamation

Dear Mr. Thompson,

I'm sending you an application for a water transfer. The transfer should have been completed within 30 days after Nov. 24. & sent to Mr. Nolan Keil at the Bureau of land management in Boise. But we were a little slow getting the application filled in and then Mr. Pearson is hard to contact. Also he was sometime getting the application back to me. So I was wondering if you would be so kind and please either call or write Mr. Keil at the B.L.M. & let him know I have made the application & that it will take a little

longer to advertise it,
but that he will get it
in the near future.
Thank you.

Yours truly
Otto L. Johnson
(By Beryl Johnson)

Application For Transfer of Water Right

STATE OF IDAHO

County of Custer

ss.

RECEIVED
DEC 11 1956

Department of Reclamation

OTTO L. JOHNSON, being first duly sworn, deposes and says:

That his name is OTTO L. JOHNSON; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is P.O. Box 305 Mackay, Idaho

That he is the owner and using a certain water right, bearing date of priority of Aug. 30, 1909 and May 1, 1905 for 3.2 cubic feet per second of the waters of Warm Spring Creek

County of Custer, State of Idaho, decreed to OTTO A. JOHNSON U. S. Eastern by decree of Judge E. S. Farrington of the Div. #222 Judicial District of the State of Idaho, in and for the County of Custer, in the case of Utah Construction Co. vs. John F. Abbott, et al, said decree bearing date of March 15, 1923

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

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 27 in the County of Custer and State of Idaho, to-wit: S¹/₄ NW¹/₄ Sec. 27, Tp. 8N., Range 22EBM

_____ 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. 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 in the NE cor. of SW¹/₄ NW¹/₄ of Section 28, Township 8N., Range 22 East, B. M., and conducted to the above described lands through private ditch

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

That affiant and petitioner desires to abandon the use of 1.6 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 Custer and State of Idaho, to-wit:

N¹/₄ NW¹/₄ Sec. 34 & S¹/₄ SW¹/₄ Sec 27 Tp. 8N., Range 22 EBM.

That his reasons for desiring to make such transfer are as follows: put water to better advantage on better soil.

*1.6 cfs of 1914 right transferred by license
from said right to S. B. & Co. in 1951*

That he intends to divert and convey said 1.6 second feet of water to the tract of land last above described in the following manner, to-wit: Private 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, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Otto L. Johnson
Applicant.

Subscribed and sworn to before me this 21st Day day of May

A. D. 1956

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Warm Springs Creek

Where is the diversion point located? NE Cor. of SW¹ NW¹, Sec. 28, T. 8N, Range 22E, B.M.

Through what ditch is it now conducted? Private ditch

How much land is now irrigated by the water sought to be transferred? 80 Acres

Give the description: N¹SW¹ Sec. 27, T. 8N, Range 22E, B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 240 inches

What kind of crops are being raised? Hay and Grain

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? None

Give location of new point of diversion, if change is to be made Same as before

Through what ditch will it be conducted after transfer? Private ditch

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

1 inch to acre

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

If so, give amount, date and source 160 inches (3.2 c.f.s.) Dec. 6, 1913 Big Lost River

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 None

Signed

Otto L. Johnson
Applicant.

STATE OF IDAHO,

County of Custer

ss.

Darrel Leavie and Winston Olsen

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 Mackay, Idaho

that he is user of water from Warm Spring Creek, in Water District No. 27

County of Custer, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Otto L. Johnson 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.

Darrel Leavie
Winston Olsen

Subscribed and sworn to before me this 21st day of Nov, 1956

A. D. 19.....

G. F. Wright
Notary Public

STATE OF IDAHO,

County of Custer

ss.

I, J. H. Hanson, Watermaster of Big Lost River

Water District No. 37 County of Butte & Custer, State of Idaho, whose postoffice address

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

of Otto L. Johnson, 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. 37

Dated at Mackay, Idaho, this 12th day of December, 1956

J. H. Hanson

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**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Otto L. Johnson of P. O. Box 305 Mackay, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Warm Springs Creek as follows:

Amount: 0.4 cubic feet per second, Priority: August 30, 1909; 1.2 cubic feet per second, Priority: May 1, 1905.

Point of diversion: NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 8, Range 22 E., B. M.

Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, Township 8, N., Range 22 E., B. M.

To be Transferred to

Point of Diversion: NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 8, Range 22 E., B. M.

Place of Use: N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 34 and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 27, Township 8 N., Range 22 E., B. M.

And that on the 3d day of January, 1957, at 10 o'clock A. M., at Room 107, State House, Boise, Idaho, before the State Reclamation 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.

MARK R. KULP

State Reclamation Engineer
Pub. 12-20 and 27, 1956

Blackfoot, Idaho

Nov. 5, 1956

Mr. Ray Thompson
Dept. of Reclamation
Boise, Idaho

RECEIVED
NOV 7 1956
Department of Reclamation

Dear Mr. Thompson:

I'm sending you an affidavit of Publication where I advertised for two additional points of diversion. They fouled up the wording in the advertisement, and I wanted to make it clear how it should be before it is finally recorded. First I want it clear that I wanted two additional points of diversion as well as keeping the original point (354--354--Sec. 28). Also the description for the new point of diversion should read 354--of the NE 1/4--Sec. 28, ^{And NE 1/4 Sec. 7} instead of the way it is printed. Will you please see if it is correctly recorded.

Also I'm enclosing \$1 recording fee. Thank you.
Yours truly,

Otho J. Johnson

EDGE

September 28, 1956

Mr. Otto L. Johnson
Mackay, Idaho

Dear Mr. Johnson:

No protests have been filed in connection with your application for transfer of water from Warm Springs Creek.

A Certificate of Transfer can therefore be issued upon receipt of the affidavit of publication, which the Mackay Miner was instructed to send you, and the statutory recording fee of \$1.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A

T. E. HANAWALT, Publisher

RUTH M. HANAWALT, Editor

The Mackay Miner

Printers - Publishers

Mackay, Idaho

June 2, 1956

RECEIVED
JUN 3 1956
Department of Reclamation

Roy W. Thompson
Dept. of Reclamation
Boise;

This is to acknowledge receipt of legal for Otto Johnson, Notice of Proposed Transfer of Water Right, which will be published in the Mackay Miner, issues of June 7 and 14. Checking copy under separate cover will be sent June 7.

Yours Truly

Ruth Hanawalt

LEGAL NOTICES

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Otto L. Johnson of Mackay, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion of the waters of Warm Springs Creek as follows. Amount 1.2 cubic feet per second with priority of May 1, 1905, —

2.0 cubic feet per second with priority of August 30, 1909. Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 8 N., Range 22 E. Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, Township 8 North, Range 22 East.

Transfer to
Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, ~~NE $\frac{1}{4}$~~ , Section 28; NW $\frac{1}{4}$ Section 27, ~~all~~ in Township 8 North, Range 22 East.

And that on the 14th day of June, 1956 at 10:00 o'clock A. M., at 107 State House Boise, Idaho before the State Reclamation 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.

MARK R. KULP,
State Reclamation Engineer
Published June 7 - 14, 1956

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Mackay Miner
Mackay
Idaho

Date: June 1, 1936.

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to June 14, 1936, the date set for hearing, the expense of the publication to be paid by the applicant, Otto L. Johnson of Mackay, Idaho, to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that Otto L. Johnson
of Blackfoot, Idaho has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing him to change the point of diversion
~~under the waters of the waters of~~ Warm Springs Creek
as follows: Amount: 1.2 cubic feet per second with priority of May 1, 1905
2.0 cubic feet per second with priority of August 30, 1909.
~~as follows: Amount:~~

Point of diversion: SW 1/4, NW 1/4, Section 28, Township 8 N.
Range 22 E. Place of Use: SW 1/4, NW 1/4, Section 27,
Township 8 North, Range 22 East.

Transfer to

~~Point of diversion:~~ SW 1/4, NW 1/4, Section 28; NW 1/4, Section 27, all in Township
8 North, Range 22 East.

And that on the 14th day of June, 1956
at 10:00 o'clock A. M. at 107 State House, Boise, Idaho.
before the State Reclamation 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 rea-
sons why a certificate should not be issued authorizing such transfer.

MARK R. KULP
State Reclamation Engineer.