

GEORGE H. HILL

1897-June 1 ✓

0.07 c.f.s. 3227

To be diverted from Big Lost River through the West Side 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:

Lots 2 and 3 of Block 11 of Johnston's Addition to the town of Moore, Butte County, Idaho.

No. 205

SAMUEL HILL, (Described in plaintiff's amended complaint as Samuel Hill).

1905-June 1 ✓

0.8 c.f.s. 34.0328

To be diverted from an unnamed spring through a private ditch having its point of diversion in the Northwest quarter of the Northeast quarter of Section 18, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

The Northeast quarter of the Southeast quarter of Section 13, Township 7 North, Range 24 East, B. M.

No. 206

OTTO P. HOEREL, as Administrator of the Estate of J. P. Jeppesen, Deceased

1913-January 24 ✓

0.8 c.f.s. 3329

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

Southeast quarter of the Northeast quarter of Section 32, Township 5 North, Range 26 East, B. M.

No. 207

Louis Hohn, (Described in Plaintiff's amended complaint as Lewis Hohn)

1898-September 1 ✓

2.8 c.f.s. 3330

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

South half of the Southeast quarter of Section 31, Township 4 North, Range 27 East, B. M., and the East half of the Northeast quarter of Section 6, Township 3 North, Range 27 East, B. M.

No. 208

MRS. CLARISSA L. HOOPER

1885-May 31 ✓

3.2 c.f.s. 3331

To be diverted from Big Lost River as follows: 0.8 c.f.s. through the West Side Canal, 0.8 c.f.s. through the Moore Canal, 1.6 c.f.s. through the Island Ditch, all having their 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:

East half of the Southeast quarter of Section 16 and the West half of the Southwest quarter of Section 15, Township 5 North, Range 26 East, B. M.

No. 209

Affidavit of Publication

I, James W. Martin, of the
Arco Advertiser, a weekly newspaper of general
circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of
this notice, 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, commenc-
ing with the issue dated April 23, 1954
and ending with the issue dated April 30, 1954

James W. Martin
Subscribed and sworn to before me this

11 day of May, 1954

C. V. Boyatt
Notary Public.

Residence, Arco, Idaho.

My commission expires 8/30, 1954

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Jean H. Smith of Darlington, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and place of use of the waters of Big Lost River, as follows: Amount: 3.2 cubic feet per second of May 31, 1885 priority. Point of diversion: SE $\frac{1}{4}$, Section 4, Township 5.N, Range 26.E. Place of Use: E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15, Twp. 5.N R. 26.E B.M. Transfer to Point of diversion: NE $\frac{1}{4}$, Section 33, Township 7.N, Range 24.E. Place of Use: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21; and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, Twp. 6. N. R. 25.E. B.M.

And that on the 7th day of May, 1954, 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
(Publish April 23, 30, 1954)

RECEIVED
MAY 18 1954
Department of Reclamation

Name of Applicant.....

John H. Smith

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

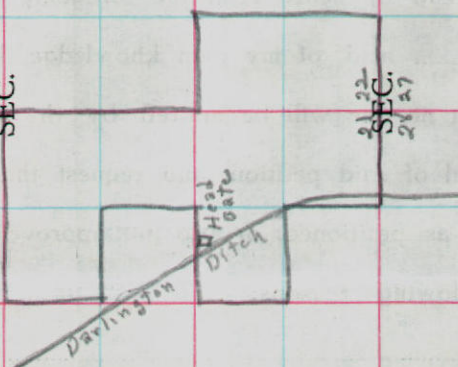
SEC.
21 27

SEC.

SEC.

SEC.

SEC.



MICROFILMED

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Hooper, Clarissa L.	3.2		34-0331
820	Smith, Jean H.	3.2	0	34-0331A

TRANS

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No 820

THIS IS TO CERTIFY, That Jean H. Smith of Darlington, Idaho, is the owner of and using 3.2 cubic feet per second of the waters of Big Lost River, with priority of May 31, 1885, said water being decreed to Mrs. Clarissa L. Hooper by Judge E. S. Farrington, of the United States District Court, in and for the State of Idaho, Eastern Division, in the case of

THE 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:

E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16
W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15
Township 5 North, Range 26 East B. .

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.

That Jean H. Smith has become the owner of said described lands through purchase.

And that now, upon the application of Jean H. Smith, of Darlington, Idaho, for the transfer of 3.2 cubic feet per second of the waters of Big Lost River made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 3.2 cubic feet per second of the water of Big Lost River upon the above described land is hereby abandoned, and the land to which the water right hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21
W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22
All in Township 6 North, Range 25 East B. .

That 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:

3.2 cubic feet per second of the water of
Big Lost River, with priority of May 31, 1885.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Big Lost River, through the West Side Canal, Moore Canal & Island Ditch, with point of diversion in the SE $\frac{1}{4}$ Section 4, Township 5 North, Range 26 East B. .

That the water right hereby transferred will hereafter be conducted to the last above described lands from Big Lost River through the Darlington Ditch, with point of diversion in the NE¹/₄ Section 33, Township 7 North, Range 24 East B.M.

That the right of use of said 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 26th day of May, 1954.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Jean H. Smith
Darlington, Idaho

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

ORDER GRANTING TRANSFER

No. 820

WHEREAS, On the 7th day of May, 1954, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Jean H. Smith, of Darlington, 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 26th day of May, A.D., 1954.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

Certificate of Water Right
Transferred Right No 820

THIS IS TO CERTIFY, That Jean H. Smith of Darlington, Idaho, is the owner of and using 3.2 cubic feet per second of the waters of Big Lost River, with priority of May 31, 1885, said water being decreed to Mrs. Clarissa L. Hooper by Judge E. S. Farrington, of the United States District Court, in and for the State of Idaho, Eastern Division, in the case of

THE 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:

E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16
W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15
Township 5 North, Range 26 East B. .

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.

That Jean H. Smith has become the owner of said described lands through purchase.

And that now, upon the application of Jean H. Smith, of Darlington, Idaho, for the transfer of 3.2 cubic feet per second of the waters of Big Lost River made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 3.2 cubic feet per second of the water of Big Lost River upon the above described land is hereby abandoned, and the land to which the water right hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21
W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22
All in Township 6 North, Range 25 East B. .

That 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:

3.2 cubic feet per second of the water of
Big Lost River, with priority of Ma, 31, 1885.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Big Lost River, through the West Side Canal, Moore Canal & Island Ditch, with point of diversion in the SE $\frac{1}{4}$ Section 4, Township 5 North, Range 26 East B. .

That the water right hereby transferred will hereafter be conducted to the last above described lands from Big Lost River through the Darlington Ditch, with point of diversion in the NE 1/4 Section 33, Township 7 North, Range 24 East B..

That the right of use of said 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 26th day of May, 1954.

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Jean H. Smith)
Darlington, Idaho)

ORDER GRANTING TRANSFER

No. 820

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

WHEREAS, On the 7th day of May, 1954, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Jean H. Smith, of Darlington, 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 26th day of May, A.D., 1954.

MARK R. KULP
State Reclamation Engineer

IN EQUITY NO. 222

DECREES

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, Myrum 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, Niels R. Anderson, Peter C. Anderson (or P. C. Anderson), S. V. 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, Affie 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), Lina Bitton (or Zina Britton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Haber 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), T. M. 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, A. F. Braithwaite (or Robert Braithwaite), William M. Braithwaite, H. C. Brake, William H. Brashear, H. T. Brengman, Charles Brown, Edna Brown, Edna E. Brown, as executrix of the estate of Martin J. Brown, deceased (substituted for

GEORGE H. HILL

1897-June 1

0.07 c.f.s. D. 1897

To be diverted from Big Lost River through the West Side 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:

Lots 2 and 3 of Block 1 of Johnston's Addition to the town of Lore, Butte County, Idaho.

No. 205

SAMUEL HILL, (Described in plaintiff's amended complaint as Samuel Hill).

To be diverted from an underground spring through a private ditch having its point of diversion in the Northwest quarter of the Northeast quarter of Section 18, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

1905-June 1

0.3 c.f.s. 34.0328

South half of the Southeast quarter of Section 18, Township 7 North, Range 24 East, B. M.

No. 206

OTTO F. MOERL, as Administrator of the Estate of O. F. Moerl, Deceased

To be diverted from Big Lost River through the Lore Canal 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:

1913-January 1

0.3 c.f.s.

Southeast quarter of the Northeast quarter of Section 32, Township 5 North, Range 26 East, B. M.

No. 207

Louis John, (Described in plaintiff's amended complaint as Lewis John)

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

1898-September 1

2.3 c.f.s.

South half of the Southeast quarter of Section 31, Township 4 North, Range 27 East, B. M., and the East half of the Northeast quarter of Section 6, Township 3 North, Range 27 East, B. M.

No. 208

MRS. CLARISSA L. HARRIS

To be diverted from Big Lost River as follows: 0.3 c.f.s. through the West Side Canal, 0.8 c.f.s. through the Lore Canal, 1.6 c.f.s. through the Island Ditch, all having their 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:

1885-May 31

3.0 c.f.s.

East half of the Southeast quarter of Section 16 and the West half of the Southwest quarter of Section 18, Township 5 North, Range 26 East, B. M.

No. 209

Darlington, Idaho
May 28, 1954

Department of Reclamation
Mark R. Kulps State Reclamation Engineer
Boise
Idaho

Dear Sir:

Enclosed please find check
for \$100 for recording Certificate
of transfer.

Yours truly
Jean H. Smith
Darlington, Idaho

RECEIVED
JUN 1 1954
Department of Reclamation

May 25, 1954

Mr. Jean H. Smith
Darlington
Idaho

Dear Mr. Smith:

In reply to your letter of May 24, Certificate of Transfer will be issued and sent you within the next few days.

Meanwhile, there is a fee of \$1.00 required for recording same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A:hll

RECEIVED
MAY 25 1954
Department of Reclamation

Darlington, Idaho

May 24, 1954

Mark B. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Sir:

I was wondering how long it would be before I received my "Certificate of Transfer" on the use of water in Big Lost River.

I would like to get it as soon as possible as we are starting to irrigate now.

Yours truly,
Jean H. Smith
Darlington, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Date April, 17, 1954

The Arco Advertiser,
Arco, Idaho.

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **May 7, 1954** the date set for the hearing, the expense of the publication to be paid by the applicant, **Jean H. Smith, Darlington, Idaho.**

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

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

Very truly yours,

MAURICE E. KULP
State Reclamation Engineer

By
Roy...Thompson,
Supervisor of Water Distribution,

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that Jean. H. Smith,
of Darlington, Idaho. has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing him to change the point of diversion
and ~~the~~ place of use of the waters of Big Lost River,
3.2 cubic feet per second, of
as follows: Amount: / May 31, 1885 priority,
Point of diversion: 1/4 SE, 1/4 Section 4, Township 5.N.,
Range 24.E. Place of Use: E 1/2 SE 1/4 Section 16, and
W 1/2 SW 1/4 Section 15, 1wp. 5.N. R. 26.E. B.M.

Transfer to

Point of diversion: 1/4 NE 1/4, 1/4 Section 33, Township 7.N.,
Range 24.E. Place of Use: N 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4,
SE 1/4 SE 1/4, Section 21; and W 1/2 SW 1/4 Section 22, Twp. 6.N. R. 25.E. B.M.

And that on the 7th, day of May, 1954, ~~xxxx~~
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 rea-
sons why a certificate should not be issued authorizing such transfer.

MARK. R. KULP.
State Reclamation Engineer.

Affidavit of Publication

I, James W. Martin, of the
Arco Advertiser, a weekly newspaper of general
circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of
this notice, 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, commenc-
ing with the issue dated April 23, 1954
and ending with the issue dated April 30, 1954

James W. Martin
Subscribed and sworn to before me this
11 day of May, 1954

C. V. Boyatt
Notary Public.
Residence, Arco, Idaho.
My commission expires 8/30, 1954

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Jean H. Smith of Darlington, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and place of use of the waters of Big Lost River, as follows: Amount: 3.2 cubic feet per second of May 31, 1885 priority. Point of diversion: SE $\frac{1}{4}$ Section 4, Township 5.N, Range 26.E. Place of Use: E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15, Twp. 5.N R. 26 E B.M. Transfer to Point of diversion: NE $\frac{1}{4}$ Section 33, Township 7.N, Range 24.E. Place of Use: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21; and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, Twp. 6. N. R. 25.E B.M.

And that on the 7th day of May, 1954, 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
(Publish April 23, 30, 1954)

MAY 18 1954

Department of Reclamation

Application For Transfer of Water Right

APR 16 1957
Department of Reclamation

STATE OF IDAHO

County of Custer

ss.

Jean H. Smith

being first duly sworn, deposes and says.

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

That he is the owner and using a certain water right, bearing date of priority of May 31 1885, for 3.2 cubic feet per second of the waters of Big Lost River Decree # 209 County of Butte & Custer, State of Idaho, decreed to Mrs. Clarissa L. Hooper by decree of Judge, E. S. Farrington U. S. District Court for Eastern Idaho of the Judicial District of the State of Idaho, in and for the County of, in the case of Utah Construction Co. vs. John R. Abbott, et al, said decree bearing date of March 15 1923. and storage water appurtenant. (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. in the County of and State of Idaho, to-wit:

E¹SE¹ of Section 16 and W¹ of SW¹ of Section 15, Township 5 North Range 26 East of Boise Meridian.

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 SE¹ of Section 4, Township 5, Range 26 East B. M., and conducted to the above described lands through West Side Canal, Moore Canal & Island Ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 3.2 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:

NE¹SE¹, NE¹NE¹, NW¹NE¹, SE¹NE¹, NW¹SE¹, SE¹SE¹ all in Section 21, Township 6 North Range 25 E.B.M. and NW¹SW¹, SW¹SW¹, all in Section 22 township 6 North Range 25 E.B.M.

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

better use of water. The water I am asking to be transferred is now on very rough, gravelly ground. The place to which I am asking it to be transferred to is wood, loamy soil, most of it is virgin soil, never been farmed.

That he intends to divert and convey said 3.2. second feet of water to the tract of land last above described in the following manner, to-wit: from the Big Lost River at the head of the Darlington Ditch, through Darlington Ditch to above described land.

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.

Jean H. Smith

Applicant.

Subscribed and sworn to before me this 14 day of April

A. D. 1954

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Big Lost River

Where is the diversion point located? SE $\frac{1}{4}$ of Section 4, Township 5 North, Range 26 E.B.M.

Through what ditch is it now conducted? West Side Canal, Moore Canal & Island Ditch.

How much land is now irrigated by the water sought to be transferred? about 80 acres.

Give the description: in spots in the following description. E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 16, and W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 15, Township 5 North, Range 26 East. B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 3.2

What kind of crops are being raised? barley

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

What will be the effect on the land now irrigated, if the use of water on it is discontinued?
has been seeded to grass for pasture, will be dry land pasture.

Give location of new point of diversion, if change is to be made NE $\frac{1}{4}$ of Section 33, Township 7 North Range 24 East B.M.

Through what ditch will it be conducted after transfer? Darlington

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

Do you claim any other water right for the land from which you seek to abandon the use of this water? No.

If so, give amount, date and source

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source No.

Signed

Jean H. Smith

Applicant.

MICROFILMED

STATE OF IDAHO,

County of Butte } ss.

Alfred L. King and L. E. Bitter

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

Alfred L. King
L. E. Bitter

Subscribed and sworn to before me this 14 day of April

A. D. 1954.

My commission expires 11-12-55

Jean H. Pearson

STATE OF IDAHO,

County of Butte } ss.

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

Water District No. 27, County of Butte, State of Idaho, whose postoffice address is Moore, Idaho, have read or heard read the foregoing affidavit and petition of Jean H. Smith 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 ~~approve~~ approve of the issuance of the certificate of transfer prayed for) for the following reasons: Better use of water

Watermaster Dist. No. 27

J. H. Pearson

Dated at Moore, Idaho, this 14th day of April, 1954.

MICR

Name of Applicant.....

James H. Smith

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

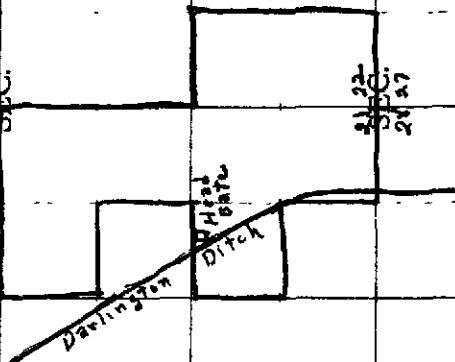
SEC.
21 27

SEC.

SEC.

SEC.

SEC.



RECEIVED