

B. A. Mayo

TSN R26E

SEC

SEC.

SEC.

SEC.

SEC.

SEC.

Moore

1

West Side Ditch

Island Dutch

SEC.

STC.

SEC.

Big Lost River

T5N R26E
T4N R26E

SEC.

SEC.

SEC.

~~SECRET~~

SEC.

SEC.

Microfilm

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

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Bate, Clara M.	1.5		34-0060
422	Mays, B. H.	1.5	0	34-0060A

RECEIVED

R

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N

S

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 422.

This is to certify that B. H. Mays of Moore, County of Butte, and State of Idaho, has a right to the use of the waters of Big Lost River and tributaries, for irrigation and domestic use, and that said right has been confirmed by decree of the United States Court 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, wherein 1.5 second feet of the waters of Big Lost River, bearing date of priority of August 10, 1883, were dedicated to the East Half of the Southwest Quarter, Section 10, Township 4 N., Range 26 E., B.M.;

That a copy of said decree is now of record and on file in the Department of Reclamation of the State of Idaho at Boise;

That upon the application of the said B. H. Mays for a transfer of water right made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.5 second feet of the waters of Big Lost River upon the lands above described is hereby abandoned, and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following list of lands, limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

1.5 sec. ft., dated August 10, 1883;

East Half of the Northwest Quarter, and Northwest Quarter of the Northwest Quarter, Section 16, Township 4 N., Range 26 E., B.M.;

That the water right to be transferred has heretofore been diverted near the center of the Southeast Quarter of Section 4, Township 5 N., Range 26 E., B.M., and conducted through the Island Ditch, and will hereafter, by virtue of this certificate be diverted at the same point, but carried through the West Side Ditch.

That no right to the use of water on the lands above described exists at the date of this certificate except as herein stated.

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

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 25th day of April, 1928.

Commissioner of Reclamation.

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

In the Matter of the Application)
of B. H. Mays, for Transfer of)
Water Right: Water District)
No. 27-B.)

WATER RIGHT TRANSFER

WHEREAS, On the 14th day of April, 1928, at the Department of Reclamation at Boise, Idaho, the matter of the application of B. H. Mays for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

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

IT IS THEREFORE, Nereby ordered that the said application for transfer be granted and that the certificate for such transfer be issued the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 25th day of April, 1928.

Commissioner of Reclamation.

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. Anern, 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, Niels 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. Bates, 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), Eina Bitton (or Zina 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

E. W. BASCOM

✓ 1887-June 1

1910-October 27

2.4 c. **34.0057**

3.2 c. **34.0058**

To be diverted from Willow and Rock Creeks through a private ditch having its point of diversion at the point of diversion maintained on Willow Creek at the date of the Moe-Harger decree being at the junction of Willow and Rock Creeks and an additional amount sufficient to make up the amount herein decreed to be diverted from Rock Creek at the point where the weir in Rock Creek is now located, for the irrigation of 280 acres of land in the following legal subdivisions, to-wit:

Lot 6 and 7; the Northeast quarter of the Southwest quarter, Northwest quarter of the Southeast quarter and the South half of the Northeast quarter of Section 6 and the West half of the Northwest quarter of Section 5, all in Township 9 North, Range 22 East, B.M., also the Southeast quarter of the Southeast quarter and the North half of the Southeast quarter of Section 1, Township 9 North, Range 21 East, B. M.

No. 29

HARLOW BASSETT

(Named in Plaintiff's amended complaint as H. Bassett)

✓ 1885-May 12

0.8 c.f.s. **34 0059**

To be diverted from Big Lost River through the Island 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:

Northwest quarter of the Southeast quarter of Section 22, Township 5 North, Range 26 East, B. M.

No. 30

CLARA M. BATE

✓ 1883-August 10

1.5 c. **34 0060**

1.5 Trans. No 42

To be diverted from Big Lost River through the Island 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:

East half of the Southwest quarter of Section 10, Township 4 North, Range 26 East, B. M., except 5 acres along the East side thereof.

No. 31

J. M. BATE

(Or Joseph M. Bate)

✓ 1883-August 10

1.7 Trans. No 42

.95 " 455

1.7 c. **34.0061**

To be diverted from Big Lost River through the Island 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:

West half of the Southeast quarter of Section 10, Township 4 North, Range 26 East, B. M. and five acres on the East side of the Southwest quarter of Section 10, Township 4 North, Range 26 East, B. M.

No. 32

May 4, 1928.

Mr. Lynn Crandall,
Mackay, Idaho.

Dear Sir:

We are mailing you herewith copy of Certificate
of Transfer No. 422, issued to B. H. Mays.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

Enc.

RECEIVED
MAY 10 1928

April 27, 1928.

Re: Certificate of Transfer,
No. 422.

Mr. Melvin Luke,
Lewisville, Idaho.

Dear Sir:

We are mailing you herewith copy of
Certificate of Transfer issued to B. H. Mays.

Very truly yours,

GEO. H. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

Enc.

April 27, 1928.

Re: Certificate of Transfer No.422.

Mr. B. H. Mays,
Moore, Idaho.

Dear Sir:

We are mailing you herewith Certificate of
Transfer of water right No. 422; also receipt
for fees paid.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

Enc.



Affidavit of Publication.

I, C. A. Bottolfsen, publisher of The Arco Advertiser,
a weekly newspaper of general circulation, published weekly
at Arco, Idaho, since March, 1909, 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
April 6, 1928, and ending with the
issue dated April 13, 1928.

C. A. Bottolfsen

Subscribed and sworn to before me this 14th
day of April, 1928.

[Signature]

Notary Public.

Residence: Arco, Idaho. My commission expires Dec 23, 1928

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that B. H. Mays of Moore, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 1.5 second feet of the water of Big Lost River, from the land upon which it is now used, i. e.: E $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 10, T. 4 N., R. 26 E. B. M., to the following described tract: E $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 16, (except 4 acres in southeast corner), all in T. 4 N., R. 26 E. B. M.

And that, on the 14th day of April, A. D. 1928, at 10 o'clock a. m., at the Dept. of Reclamation, State House, Boise, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

GEO. N. CARTER,
Commissioner of Reclamation
(A 6-13-26)

Affidavit
of Publication.

THE ARCO ADVERTISER
ARCO, IDAHO.

Publication:

Plaintiff...

vs.

Defendant...

Filed, _____ day of
_____, 192...

2007

10 88 100

2007

RECEIPT FOR REGISTERED ARTICLE NO. 13509

fee paid. class postage paid. 192

From Dept of Reclamation

Addressed to B H May

Accepting employees will place initials in space below, indicating restricted delivery.

Return receipt fee

Special delivery fee

Delivery restricted to addressee { in person
or order

Postmaster, per



Post Office Department

OFFICIAL BUSINESS.

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

REGISTERED ARTICLE

No. _____

3509

INSURED PARCEL

No. _____



Return to _____

Dept of Reclamation

(NAME OF SENDER)

Street and Number, }
or Post Office Box, }

BOISE,

IDAHO.

RETURN RECEIPT

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

Bew May
(Signature or name of addressee.)

Mrs. Bew May
(Signature of addressee's agent.)

Date of delivery, 4/17, 1928

Form 3811

RECEIVED
APR 17 1928
U.S. POSTAL SERVICE

April 14, 1928.

Re: Transfer Water Right.

Mr. B. H. Mays,
Moore, Idaho.

Dear Sir:-

As no one appeared at the hearing to protest your application for transfer of water right, the certificate will be granted you upon receipt of the affidavit of publication.

We are returning you herewith, by registered mail, the abstract of title.

Very truly yours,
GEO. H. CARTER,
Commissioner of Reclamation.

By _____
Chief Clerk.

OTTO F. HOEBEL, PRESIDENT
R. W. FERRIS, VICE PRESIDENT

ROBERT A. MILLER, CASHIER
GOLDIE WALKER, ASSISTANT CASHIER

92-263

Butte County Bank

CAPITAL AND SURPLUS \$42,500 00

ARCO, IDAHO

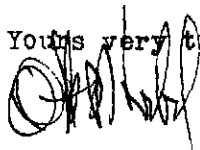
March 30, 1928

Geo N Carter, Com.
Boise Ida

Dear Sir,

Herewith check for \$1.00 to cover cost of
certificate in t e Ben H May application
for water transfer.

Yours very truly



President

RECEIVED
MAY 1 1928

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date **Mar. 29, 1928**

THE ADVERTISER

Arco, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ~~four~~ ^{two} consecutive weeks prior to **April 14, 1928**, the date set for ~~proof~~ ^{hearing}, the expense of the publication to be paid by the applicant, **Mr. B. H. Mays, of Moore, Idaho**, to whom you should furnish proof of publication on or prior to the date set for ~~proof~~ ^{hearing}.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

GEO. N. CAPTER

Commissioner of Reclamation.

Notice of Proposed Transfer of Water Right

Notice is hereby given that B. H. Mays of Moore
Idaho has applied to the Commissioner of Reclamation of the State of Idaho
 for a certificate authorizing him to transfer the use of 1.5 second feet
 of the water of Big Lost River,
 from the land upon which it is now used, i. e., E $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 10, T. 4 N., R. 26 E.B.M.,
 to the following described tract: E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, (except 4 acres in southeast
corner), all in T. 4 N., R. 26 E.B.M.

And that, on the 14th day of April, A. D. 1928
 at 10 o'clock a.m., at the Dept. of Reclamation, State House, Boise,
 before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and
 all persons to appear and present for his consideration any reason or reasons why a certificate should
 not be issued authorizing such transfer.

Geo. M. Carter,

Commissioner of Reclamation

OTTO P. HOEBEL, PRESIDENT
R. W. FERRIS, VICE PRESIDENT

ROBERT A. MILLER, CASHIER
GOLDIE WALKER, ASSISTANT CASHIER

92-263

Butte County Bank

CAPITAL AND SURPLUS \$42,500 00

ARCO, IDAHO

March 26, 1928

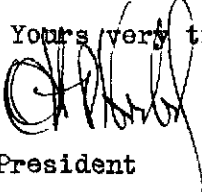
Commissioner of Reclamation,
Boise Ida

Dear Sir,

At the request of Mr. B.H. May of Moore, Ida we are enclosing herewith application for transfer of water right together with abstract of title covering land from which the water is being transferred.

Will you please take the necessary steps to effect the transfer of this water as soon as possible returning the abstract to us when it has answered your purpose. You may address Mr. May at Moore Idaho.

Yours very truly


President

Application For Transfer of Water Right

STATE OF IDAHO,

County of

Butte

} ss.

B. H. Mays

, being first duly sworn, deposes and says:

That his name is

B. H. Mays

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

Moose, Idaho

That he is the owner and using a certain water right, bearing date of priority of Aug 10, 1883

for 1.5 cubic feet per second of the waters of

Big Lost River

County of

Butte

, State of Idaho, decreed to

Clara M. Bate

by decree of Judge,

Farmington

of the

U. S.

Judicial District of the State of

Idaho, in and for the County of

Butte

, 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 priority of _____, 19____)

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 27B in the County of Butte and State of Idaho, to-wit:

E 1/2 S W 1/4 Sec 10 ; T 4 N.; R 26 E., B. M.

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.

By Purchase

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

That said waters are now diverted from said stream in the

S E 1/4

of

Section

4

, Township

5 N

, Range

26 E

, B. M., and con-

ducted to the above described lands through

the Island Ditch

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

That affiant and petitioner desires to abandon the use of

1.5

cubic feet per second

of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of

Butte

and State of Idaho, to-wit:

E 1/2 NW 1/4 ; NW 1/4 NW 1/4, except 4 acres in south-east corner of last described 40 acres, all in T 4 N, R 26 E

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

Water cannot be used to much advantage in dry seasons on land to which it is deved on account of heavy losses in Island Ditch.

O.K. for Pub

That he intends to divert and convey said 1.5 ~~second~~ feet of water to the tract of land last above described in the following manner, to-wit: Thru the West Side Ditch

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

WHEREFOR, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

+ B. H. May

Applicant

Subscribed and sworn to before me this 16 day of March
A. D. 1928

W. J. Lanzetta
Notary Public, Arcadia, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Big Lost River

Where is the diversion point located? SE 1/4 Sec 4, T5N, R26E

Through what ditch is it now conducted? Island Ditch

How much land is now irrigated by the water sought to be transferred? 75 Acres

Give the description: In East half SW 1/4 Sec 10, T4N, R26E

What is the total amount of water in inches, or second feet, dedicated to said land? 75 inches

What kind of crops are being raised? hay

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

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

Will be used for pasture

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

Through what ditch will it be conducted after transfer? West Side Ditch

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

One inch

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. No

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

B. H. May

Applicant.

RECORDED
MAR 28 1928

STATE OF IDAHO,

County of.....

} SS.

and

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.....

that he is a user of water from....., in Water District No.....

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

Subscribed and sworn to before me this..... day of

A. D. 19.....

STATE OF IDAHO,

County of.....

} SS.

I, Lynn Leland, Watermaster of Big Lost River

Water District No. 27C, County of Butte, State of Idaho, whose postoffice address

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

of B. H. May, 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: A higher use of

water will result from the transfer

Watermaster Dist. No. 27

Lynn Leland

Dated at Mackay, Idaho, this 17th day of March, 19 28

RECORDED

Name of Applicant

B. H. Mayo

T5N R26E

West Side Ditch

Moore

Island Ditch

Big Lost River

T5N R26E
T4N R26E

FILED
JAN 11 1907
U.S. DEPT. OF AGRICULTURE
WASHINGTON

March 29, 1928

Re: Application for Transfer

MR. OTTO P. HONNELL
President, Butte County Bank
Arco, Idaho

Dear Sir:

This will acknowledge receipt of your communication of March 26th, transmitting application for transfer of water right, B. H. May, applicant.

The application appears to be in proper and complete form and publication thereof is being ordered to-day.

The hearing is fixed at ten o'clock a. m. in this office on April 14, 1928.

Upon the conclusion of the hearing, and there being no protests, Certificate of Transfer can immediately issue. The fee for Certificate will be \$1.00, which kindly remit.

After the whole transaction is closed, the Abstract of Title will be returned to you.

Very truly yours,

Commissioner of Reclamation

GNC/eq
CC: Ben H. May
Moore, Idaho