

34-B2-1

IN THE DISTRICT COURT

OF THE FOURTH JUDICIAL DISTRICT OF IDAHO, IN AND FOR CUSTER COUNTY.

S.T. MOE et al.,

Vs.

HENRY HARGER et al.,

In the above entitled cause, the default of the non-answering defendants having been duly entered, and said cause having been regularly tried and submitted to the Court for its decision, and the Court having considered the evidence and being fully advised in the premises, makes and files its findings of fact, and directs judgment to be entered in accordance therewith:--

Whereupon it is ordered, adjudged and decreed as follows:--

1. That each and every of the tracts of land described in the complaint, answer, and cross-complaints in this action as belonging to the said several parties plaintiff and defendant herein are arid in character and will not successfully raise any agricultural crop without the use of water thereon.

2. That the quantity of water required for the successful irrigation and cultivation of said land is one inch per acre measured under a four inch pressure, or its equivalent in cubic feet per second of time, to be measured at the point or place of diversion.

3. That each of the parties plaintiff and defendant herein after named, at the times of the several appropriations of water made as hereinafter set forth, the owners respectively of the several tracts of land set forth and described in the complaints, answers and cross-complaints, and that for the irrigation of the same the said parties or their predecessors in interest did respectively appropriate the quantities of water hereinafter stated and on the dates respectively as hereinafter stated and set opposite the names of each of said parties, such water being estimated and measured under a four inch pressure or its equivalent in cubic feet per second of time; and ever since said date of the said sever-

MICROFILMED

----- Knew nothing of date set for this hearing until long afterwards.

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Ada } ss.

I, M. M. Orreel,

being first duly sworn, depose and say that I am over twenty-one years of age, and the Publisher of the

Idaho News a newspaper of general circulation, published at Challis, County of Ada, and State of Idaho, and the annexed Notice was published in said paper once each and every week for 6 consecutive weeks, the first publication being on the 1st day of

August 1905, and the last publication being on the 5th day of September 1905.

That said paper has been continuously and uninterruptedly published in said county during a period of six consecutive months or 52 consecutive weeks prior to the first publication of said Notice and is a newspaper within the meaning of the Act of 1903, Session Laws page 333.

M. M. Orreel

Subscribed and sworn to before me this 14 day of December, 1905.

J. E. Hayes
Notary Public
Clerk of Dist Court

MICROFILMED

Notice of Proposed Transfer of Water Right.

Notice is hereby given that C. C. Davidson, of Mackay, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of one hundred (100) inches of water of Big Lost river, from the land upon which it is now used i. e. the Southeast quarter (SE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section three (3); the South half (S $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section two (2) in Township seven (7) north of range twenty-three (23) East of Boise Meridian, to the following described tract:

Section eight quarter of the Northeast must come out. Then cut the slots. The three-cornered pieces marked X. Now we are ready to do something. In the cut indicate. Square of squares as the dotted lines. er. continue folding until you have a old each corner to line beyond center corner to center line; thirdly—er. corners to corners; next—fold paper and fold first—through the center.

Did not know date of this hearing until sometime afterwards.---

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF BINGHAM. } SS.

Buster

I,

L. C. Dillingham do

solemnly swear that I am one of the Publishers of the ~~Bingham~~
Miner
~~County Democrat~~, a weekly newspaper of general circulation, published once each week at ~~Blackfoot~~, *Mackay* Bingham County, State of Idaho, that the notice attached hereto, and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper for ~~four~~ consecutive weeks, first publication having been made on *7th* day of *September* 190 *6*, that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the notice was published in the newspaper and not in a supplement, ~~and that said Bingham County Democrat has been published for over one year and is of legal age.~~

L. C. Dillingham

Sworn and subscribed to before me this *6th*

day of *October* 190 *6*

Chase A. Clark
Notary Public

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that C. C. Davidson of Mackay, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of 100 inches of the water of Big Lost River from the land upon which it is used, i. e. W $\frac{1}{2}$ of NE 1-4 and E $\frac{1}{2}$ of NW 1-4 of Sec. 5, Tp. 7, R. 23, E. B. M., to the following described tract: S $\frac{1}{2}$ of SW 1-4 and SW 1-4 of SE 1-4 Sec. 2 and SE 1-4 of SE 1-4 Sec. 3, all in Tp. 7, N. R. 23 E. B. M. and that, on the 6th day of October, A. D. 1906, at the office of the Mackay Miner, Mackay, Idaho, before the Water Commissioner of this division, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

Full details of the proposed transfer may be obtained from Fred L. Willis, Montpelier, Idaho, Watermaster of said stream. 30-330 up.

C. C. Davidson - (Collet 730)

0-12-

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF ~~BINGHAM~~ } SS.

CUSTER

I, Leslie E. Dillingham, do

solemnly swear that I am one of the Publishers of the ~~Bingham~~
~~Mackay Miner~~
~~County Democrat~~, a weekly newspaper of general circulation, pub-
~~Mackay, Custer~~
lished once each week at ~~Blackfoot~~, Bingham County, State of
Idaho, that the notice attached hereto, and which is a part of
this affidavit, and a part of the proof of publication, was pub-
lished in said newspaper for ~~four~~ consecutive weeks, first pub-
lication having been made on ~~4th~~ day of ~~January~~.
190 ~~7~~, that said notice was published in the regular and entire
issue of every number of the paper during the period and time of
publication, and that the notice was published in the newspaper
and not in a supplement, and that said ~~Bingham County Demo-~~
~~crat~~ has been published for over one year and is of legal age.

Leslie E. Dillingham

Sworn and subscribed to before me this ~~28th~~

day of ~~January~~ 190 ~~7~~.

Henry Vanderwood
Notary Public

My commission expires Feby 17, 1909.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT.

Notice is hereby given that Wayne Darlington of Custer County, Idaho, has applied to the state engineer of the State of Idaho, for a certificate authorizing him to transfer the use of 150 inches of water of Big Lost River from the ditch through which it is now used, i. e. "Hash Ditch" to the following described ditch, the "Stickney ditch." Said hearing to be held at Chase Clark's office, Mackay, Idaho, on the 28th day of January, 1907, at 2 o'clock P. M. before the Water Commissioner of this division or his authorized agent, (Chase A. Clark,) the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer. Full details of the proposed transfer may be obtained from Fred L. Willis, Montpeller, Idaho, Watermaster of said stream.

At said hearing applications of C. C. Davidson and W. J. Harris of Mackay, Idaho, and Emeline Cloward of Chilly, Idaho, as previously and respectively advertised in Silver Messenger of Challis, Idaho, and Mackay Miner of Mackay, Idaho. Aug.-Sept. 1905, Sept. 1906, Sept. 1906 and June-July 1906, will be further considered. 47-50-o-up. Dates 4-11-18-25.

C. C. Davidson - (Collect \$7.50)

Duplicate

O. R.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF ~~BINGHAM~~ } SS.
CUSTER

I, Leslie E. Dillingham, do
Mackay
Miner, Bingham
County Democrat, a weekly newspaper of general circulation, pub-
Mackay, Custer
lished once each week at Blackfoot, Bingham County, State of
Idaho, that the notice attached hereto, and which is a part of
this affidavit, and a part of the proof of publication, was pub-
lished in said newspaper for four consecutive weeks, first pub-
lication having been made on 4th day of January,
1907, that said notice was published in the regular and entire
issue of every number of the paper during the period and time of
publication, and that the notice was published in the newspaper
and not in a supplement, and that said Bingham County Demo-
crat has been published for over one year and is of legal age.

Leslie E. Dillingham

Sworn and subscribed to before me this 28th

day of January, 190 7.

Henry Vanderwood
Notary Public

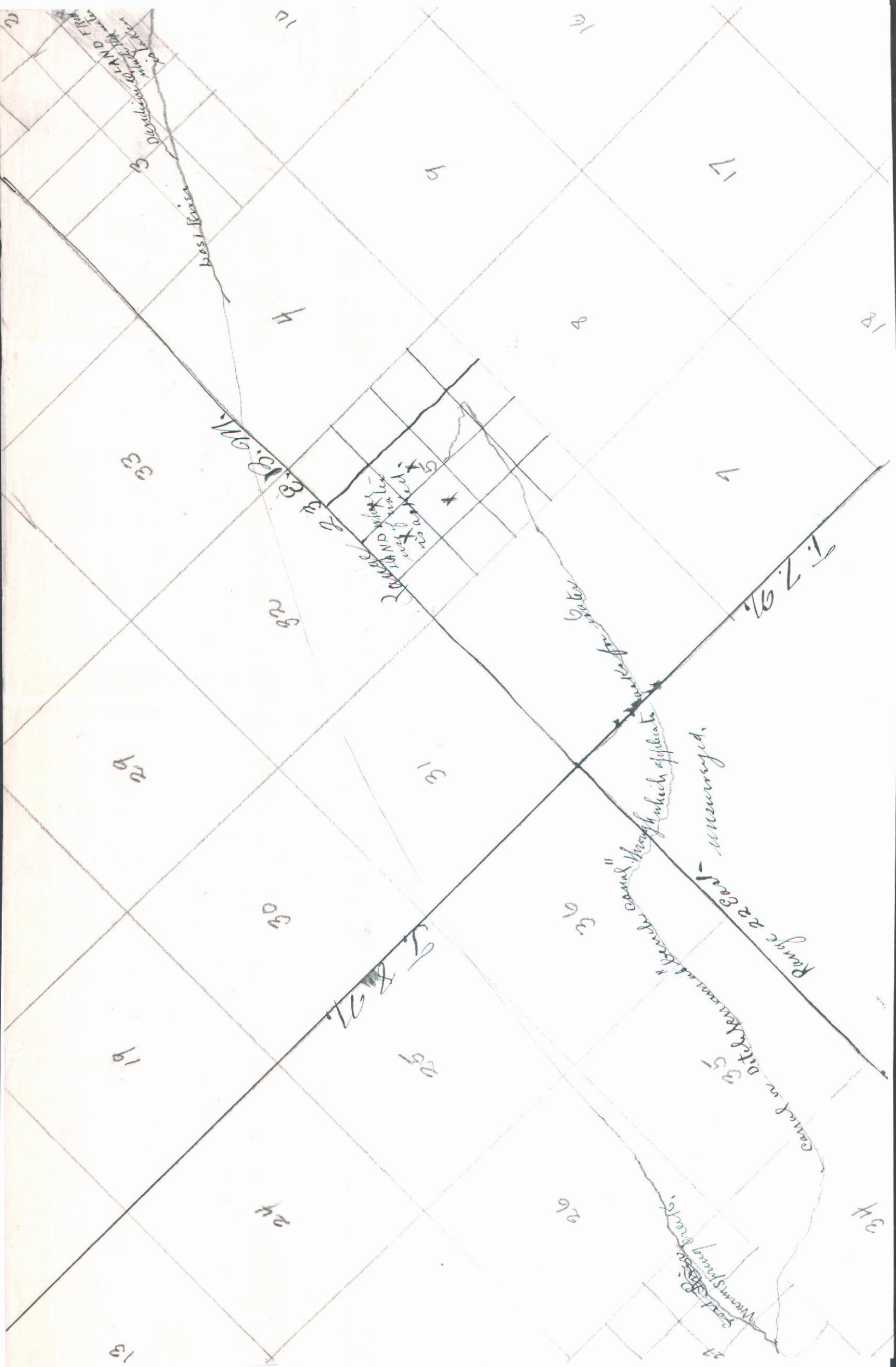
My commission expires Feb'y 17, 1909.

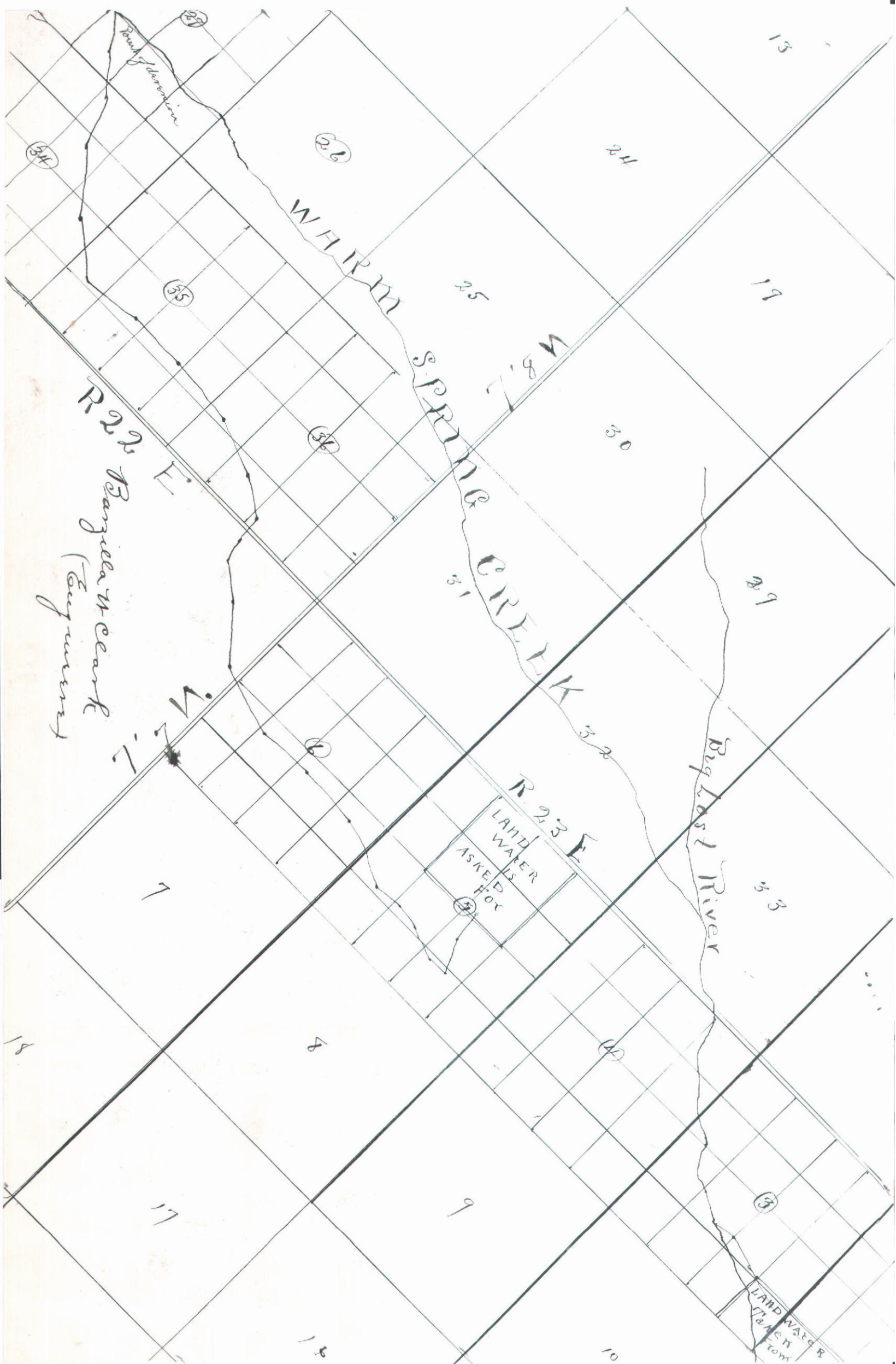
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At said hearing applications of C. C. Davidson and W. J. Harris of Mackay, Idaho, and Emeline Cloward of Chilly, Idaho, as previously and respectively advertised in Silver Messenger of Challis, Idaho, and Mackay Miner of Mackay, Idaho, Aug.-Sept. 1905, Sept. 1906, Sept. 1906 and June-July 1906, will be further considered. 47-50-o-up. Dates - 4-11-18-25.

MICROFILMED







RECEIVED

AUG 25 1966

Department of Reclamation

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Idaho Land Office

P.O. Box 2237

Boise, Idaho 83701

IN REPLY REFER TO

L1788

Idaho 017233

NOTICE OF ALLOWANCE

C. Albert Anderson
Route 1
Hockay, Idaho 83251

General

AUG 24 1966

Dear Mr. Anderson:

Your Desert Land Entry, Serial No. Idaho 017233,
Receipt No. 107645, for SW 1/4

Section 11,
Township 6 N., Range 24 E., Boise Meridian, Idaho, containing 40

acres, is hereby allowed, subject to any valid existing rights and your further compliance with laws and regulations applicable thereto. The acceptability of final proof is contingent upon development and reclamation of the land in accordance with your plan of development which is on file in the Boise Land Office. Any substantial change in source of water or deviation in the construction of the irrigating facilities must have the approval of the Bureau of Land Management. The irrigable acreage of this entry has been determined to be approximately 10 acres. In correspondence relating to this entry, always refer to the serial number shown above.

Subject to right-of-way to Houston Ditch Company in Section 11.

Sincerely yours,

/S/ ORVAL G. HADLEY

Orval G. Hadley
Manager, Land Office

34-0010

THRU 34-0014

34-0817 B

34-0818 ✓

34-0819

34-7182

cc: State Reclamation Dept. ✓
Attn: Donald W. McEldowney

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 406.

This is to certify that The Utah Construction Company of Ogden, Utah, has certain water rights to the use of the waters of Big Lost River and tributaries for irrigation and domestic purposes, and that said rights have been confirmed by decree of the United States Court for the district of Idaho, Eastern Division, in the case of Utah Construction Company vs. John F. Abbott, Et Al, said decree bearing date of March 15, 1923, as amended by order of December 15, 1925, wherein certain waters were decreed to W. L. Wattis for the irrigation of certain lands as follows:

NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 4, Twp. 7 North, Range 23 E.B.M.,
SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 4, and Lot 4, Sec. 3, Twp. 7 N., Range 23 E.B.M.,
S $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 3, Twp. 7 N., R. 23 E.B.M.,
SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 11, S $\frac{1}{2}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 12, Twp. 7 N.,
R. 23 E.B.M.,
N $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 11, Twp. 7 N. R. 23 E.B.M.,
SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 3, S $\frac{1}{2}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 2, Twp. 7 N.,
R. 23 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 Utah Construction Company for a transfer of 15.3 second feet of the water rights above mentioned, said application having been made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted to the extent of sixty-three percent of the amount requested to be transferred, the right to the use of 15.3 second feet of the waters of Big Lost River is hereby abandoned upon the lands above described, and a description of the lands to be irrigated under such right and to which the water rights hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic use, are described below, limited at any given time to amounts actually needed and beneficially used for such purposes and shall not exceed the following amounts, to-wit:

2.016 sec. ft. dated June 30, 1880,
1.071 sec. ft. dated June 30, 1881,
2.016 sec. ft. dated June 1, 1888,
2.016 sec. ft. dated June 1, 1896,
2.016 sec. ft. dated June 1, 1896,
.505 sec. ft. dated March 1, 1902;

Total, 9.640 sec. ft.

All of Section 16, and the Northeast Quarter (NE $\frac{1}{4}$) of Section 21, 3 North, Range 26 East, B.M., aggregating seven hundred eighty (780) acres;

That the water rights to be transferred have heretofore been diverted through private ditches having their points of diversion on the lands constituting the place of use of said water, but will hereafter, by authority of this certificate, be allowed to flow down Big Lost River to what is known as the Moore Diversion, located in the Southeast Quarter of Section 4, Township 5 North, Range 26 East, and there diverted into the Harger-Sullivan Canal only at such times as Big Lost River is flowing as a continuous and connected stream between Mackay Dam and the said Moore diversion;

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

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 19th day of July, 1927.

(SEAL)

MICROFILMED

GEO. N. CARTER,
Commissioner of Reclamation.

SEP 20 1927

34-B
31-818

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

- - - OFFICE OF STATE ENGINEER - - -

CERTIFICATE NO. 9 AUTHORIZING TRANSFER OF POINT OF DIVERSION OF WATER RIGHT.

Permission is hereby granted C.C.DAVIDSON of Mackay, County of Custer and State of Idaho, to transfer the use of one hundred (100) inches of the water of Big Lost River, from the land upon which it is now used i.e. the southeast quarter of the southeast quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of section three (3), the south half of the southwest quarter (SW $\frac{1}{2}$ of SW $\frac{1}{4}$) and the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of section two (2) in township seven (7) north of Range twenty-three (23) East of Boise Meridian, to the following described tract, the southeast quarter of the northeast quarter and the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$ & (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of section five (5) in Township seven (7) North of Range three (3) East of Boise Meridian.

The water right appurtenant to the above described tract was adjudged to George F. Rogers by decree, dated January 2, 1903 of Kirtland I. Ferby, Judge of the District Court of the Sixth Judicial District of Idaho in and for the County of Custer, in the matter of S.F. Lee et al, vs. Henry Harger et al., in the following words:

"Whereupon it is ordered, adjudged and decreed

that each of the parties, plaintiff and defendant hereinafter named were, at the times of the several appropriations of water made, as hereinafter set forth, the owners respectively of the several tracts of land set forth and described in the complaints, answers and cross complaints,

The following named persons, parties to this suit are entitled to the use of the waters of Big Lost River and its tributaries upon the lands mentioned and described in the complaint and cross complaints and answers herein, in the following amounts and from the following dates, to-wit

(W.L. Watts)

Geo. E. Rogers, Lost River, 100 inches from June 30, 1880

The above water right having been transferred from Geo. E. Rogers to John Haney, and from John Haney to C.C.Davidson."

Witness my hand and official seal this eleventh day of October, A.D. nineteen hundred and seven.

Jas. Stephenson, Jr.,
State Engineer.

DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 582

THIS IS TO Certify that the BIG LOST RIVER IRRIGATION DISTRICT of Mackay, Idaho, is the owner of and using a certain water right on Big Lost River in the County of Butte and the County of Custer, State of Idaho. Said water being decreed to W. L. Willis by the decree of Judge E. S. Farrington of the United States District Court, District of Idaho Eastern Division, in the case of

UTAH CONSTRUCTION COMPANY, vs. J. 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 District 27, in the County of Custer, State of Idaho, and subsequently transferred by the Department of Reclamation of the State of Idaho, on the following described lands to-wit:

All of Section 13 and the Northeast Quarter (NE $\frac{1}{4}$) of Section 21, Township 3 North, Range 26 East, of Boise Meridian;

THAT THE SAID Decree has been entered in the records of the Department of Reclamation, State of Idaho, in Book 5 of Decrees at Page 104;

THAT THE SAID Applicant has become the owner of said land and said water right by purchase.

THAT NOW, UPON THE application of the BIG LOST RIVER IRRIGATION DISTRICT for a transfer of 9.640 cubic feet per second, of said water, made before the Commissioner of Reclamation of the State of Idaho, and said application having been granted, subject to the provisions herein after stated, that the right to the use 9.640 cubic feet per second of the waters of BIG LOST RIVER upon the lands above described is HEREBY REASSIGNED, and that the applicant shall have the right to the use of 15.30 cubic feet per second, of the waters of Big Lost River; and

NOW THEREFORE, by reason of Transfer No. 406, dated July 19, 1927, the applicant has the right to the use of 9.640 cubic feet per second of the waters of Big Lost River, since provisions of that Transfer penalize the applicant to the extent of thirty-seven percent of the original amount, 15.30 cubic feet per second, for transportation losses;

NOW THEREFORE, Since the applicant wishes to change the point of diversion to the original point to which the water was decreed, such transportation losses are no longer involved;

NOW THEREFORE, The applicant shall have the right to the use of 15.30 cubic feet per second of the waters of Big Lost River, and the lands, to be irrigated under such right to which the water right hereby confirmed shall become appurtenant by this Certificate for irrigation and domestic purposes, are described as follows:

All those lands situate and being within and a part of Big Lost River Irrigation District and in Township 3 North, Ranges 26 and 27 East, Boise Meridian, Township 4 North, Ranges 26 and 27 East, Boise Meridian, all in Butte County, Idaho, and in Township 5 North, Range 26 East, Boise Meridian, Butte and Custer Counties, Idaho, and in Township 5 North, Range 26 East, Boise Meridian, Butte County, Idaho, and in Township 6 North, Range 26 East, Boise Meridian, Custer County, Idaho, and in Township 6 North, Ranges 24, 25, and 26 East, Boise Meridian, Custer County, Idaho and in Township 7 North, Ranges 24 and 25 East, Boise Meridian, Custer County, Idaho, all of which foregoing lands are more particularly described in that certain list

of lands entitled "LIST OF LANDS AGAINST WHICH BENEFITS ARE APPORTIONED ON ACCOUNT OF WATER AND WORKS TO BE ACQUIRED UNDER BONDS VOTED MAY 18, 1935, AS ADOPTED BY THE BOARD OF DIRECTORS OF BIG LOST RIVER IRRIGATION DISTRICT", and filed in the office of said District September 18, 1935, and filed in the office of the Clerk of the District Court of the County of Custer, State of Idaho, January 6, 1936, and in the office of the Department of Reclamation, State of Idaho, the said list being hereby referred to and by reference made a part hereof;

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

3.2	C. F. S.	priority	June 30, 1880,	Big Lost River.
1.70	C. F. S.	priority	June 30, 1881,	Big Lost River.
3.20	C. F. S.	priority	June 1, 1888,	Big Lost River.
3.20	C. F. S.	priority	June 1, 1896,	Big Lost River.
3.20	C. F. S.	priority	June 1, 1896,	Big Lost River.
0.80	C. F. S.	priority	March 1, 1902,	Big Lost River.
TOTAL	15.30	C. F. S.		

THAT THE WATER Hereby transferred has heretofore been conducted from Big Lost River through the West Side and Harger-Sullivan ditch, having its point of diversion in the

Southeast Quarter (SE $\frac{1}{4}$) of Section 4, Township 5 North, Range, 26 East, Boise Meridian;

THAT THE WATER Hereby transferred will hereafter be conducted to the new place of use through the Big Lost River having its point of diversion from Big Lost River at the Mackay Dam at a point in

Section 12, Township 7 North, Range 23 East, Boise Meridian;

THAT THE LAST Above described lands already have appurtenant to them a water right for water stored in Mackay Dam acquired by District from Utah Construction Company, as decreed to said Company in said Decree.

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 10th day of September, 1937.

R. W. FARIS
Commissioner of Reclamation

owner of said water being decreed to E. L. Watris by the decree of Judge E. S. Farrington of the United States District Court, District of Idaho Eastern Division, in the case of

UTAH CONSTRUCTION COMPANY, vs. J. 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 District 27, in the County of Custer, State of Idaho, and subsequently transferred by the Department of Reclamation of the State of Idaho, on the following described lands to-wit:

All of Section 10 and the Northeast Quarter (NE $\frac{1}{4}$) of Section 21, Township 1 North, Range 26 East, of Boise Meridian;

THAT THE SAID Decree has been entered in the records of the Department of Reclamation, State of Idaho, in Book 5 of Decrees at Page 104;

THAT THE SAID Applicant has become the owner of said land and said water right by purchase.

THAT NOW, UPON THE application of the BIG LOST RIVER IRRIGATION DISTRICT for a transfer of 9.640 cubic feet per second, of said water, made before the Commissioner of Reclamation of the State of Idaho, and said application having been granted, subject to the provisions herein after stated, that the right to the use 9.640 cubic feet per second of the waters of BIG LOST RIVER upon the lands above described is HEREBY ASSIGNED, and that the applicant shall have the right to the use of 15.30 cubic feet per second, of the waters of Big Lost River; and

NOW THEREFORE, by reason of Transfer No. 406, dated July 19, 1927, the applicant has the right to the use of 9.640 cubic feet per second of the waters of Big Lost River, since provisions of that Transfer penalize the applicant to the extent of thirty-seven percent of the original amount, 15.30 cubic feet per second, for transportation losses;

NOW THEREFORE, Since the applicant wishes to change the point of diversion to the original point to which the water was decreed, such transportation losses are no longer involved;

NOW THEREFORE, The Applicant shall have the right to the use of 15.30 cubic feet per second of the waters of Big Lost River, and the lands, to be irrigated under such right to which the water right hereby confirmed shall become appurtenant by this Certificate for irrigation and domestic purposes, are described as follows:

All those lands situate and being within and a part of Big Lost River Irrigation District and in Township 3 North, Ranges 26 and 27 East, Boise Meridian, Township 4 North, Ranges 26 and 27 East, Boise Meridian, all in Butte County, Idaho, and in Township 5 North, Range 26 East, Boise Meridian, Butte and Custer Counties, Idaho, and in Township 5 North, Range 26 East, Boise Meridian, Butte County, Idaho, and in Township 6 North, Range 26 East, Boise Meridian, Custer County, Idaho, and in Township 6 North, Ranges 24, 25, and 26 East, Boise Meridian, Custer County, Idaho, and in Township 7 North, Ranges 24 and 25 East, Boise Meridian, Custer County, Idaho, all of which foregoing lands are more particularly described in that certain list

of lands entitled "LIST OF LANDS AGAINST WHICH BENEFITS ARE APPORTIONED ON ACCOUNT OF WATER AND WORKS TO BE ACQUIRED UNDER BONDS VOTED MAY 18, 1935, AS ADOPTED BY THE BOARD OF DIRECTORS OF BIG LOST RIVER IRRIGATION DISTRICT", and filed in the office of said District September 18, 1935, and filed in the office of the Clerk of the District Court of the County of Custer, State of Idaho, January 6, 1936, and in the office of the Department of Reclamation, State of Idaho, the said list being hereby referred to and by reference made a part hereof;

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

3.2	C. F. S.	priority	June 30, 1860,	Big Lost River.
1.70	C. F. S.	priority	June 30, 1861,	Big Lost River.
3.20	C. F. S.	priority	June 1, 1888,	Big Lost River.
3.20	C. F. S.	priority	June 1, 1896,	Big Lost River.
3.20	C. F. S.	priority	June 1, 1896,	Big Lost River.
0.80	C. F. S.	priority	March 1, 1902,	Big Lost River.
TOTAL	15.30	C. F. S.		

THAT THE WATER Hereby transferred has heretofore been conducted from Big Lost River through the West Side and Harger-Sullivan ditch, having its point of diversion in the Southeast Quarter (SE $\frac{1}{4}$) of Section 4, Township 5 North, Range, 26 East, Boise Meridian;

THAT THE WATER Hereby transferred will hereafter be conducted to the new place of use through the Big Lost River having its point of diversion from Big Lost River at the Mackay Dam at a point in Section 12, Township 7 North, Range 23 East, Boise Meridian;

THAT THE LAND Above described lands already have appurtenant to them a water right for stor water stored in Mackay Dam acquired by District from Utah Construction Company, as decreed to said Company in said Decree.

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 10th day of September, 1937.

R. W. FARIS
Commissioner of Reclamation

By

/s/ PAUL H. BE
Supervisor of Water Distribution

(SEAL)

W. L. Wattis

(a) 1888-June 1 3.2 c.f.s. ✓
1881-June 30 3.5 c.f.s. ✓
1886-April 7 3.2 c.f.s. ✓
1896-March 30 3.2 c.f.s. ✓
1896-June 1 3.2 c.f.s. ✓
1887-April 20 3.3 c.f.s. ✓
1901-July 31 2.8 c.f.s. ✓
1902-March 1 3.2 c.f.s. ✓
1880-June 30 3.2 c.f.s. ✓
1896-June 1 3.2 c.f.s. ✓

2.016 cfs 6-10-80
1.671 " 6-30-81
2.016 " 6-1-88
2.016 " 7-1-90
2.016 " 7-1-90
0.505 " 3-1-00

Remains to be diverted to as

(b) 1879-April 1 0.6 c.f.s.
1904-December 22 1.6 c.f.s.
No. 504. (See recordment)
(Range 23)

Chas. E. Watson

(Successor in interest
to J.W. Nations)

1896-June 1 0.32 c.f.s.

No. 505.

To be diverted from Big Lost River through private ditches having their points of diversion on the land constituting the place of use of said water, for the irrigation of the following described land, to-wit:

Southeast quarter of the Northeast quarter Southeast quarter, West half of the Southwest quarter of Section 32; Southwest quarter of Section 33, Township 8 North, Range 23 East, B.M.; Northeast quarter, West half of the Northwest quarter, Northeast quarter of the Southwest quarter, Northwest quarter of the Southeast quarter of Section 5; North half, North half South half, Section 4; West half of the Northwest quarter, Southeast quarter of the Northwest quarter, North half of the Southwest quarter and the Southeast quarter of the Southeast quarter of Section 3; South half of the Southwest quarter, Southwest quarter of the Southeast quarter of Section 2; North half of Section 1 West half of the Northwest quarter; Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 12, all in Township 7 North, Range 23 East, B.M., and

To be diverted through Navarre Creek having its point of diversion in the Southwest quarter of Section 5, Township 7 North, Range 23 East, B.M., for the irrigation of the land last above described.

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 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Beginning at a point 351.7 feet South 612.3 feet East from the Northwest corner of Section 28, Township 5 North, Range 26 East, B.M., thence East 43.02 rods; thence South 59.5 rods; thence West 43.02 rods; thence North 59.5 rods to place of beginning, containing 16 acres more or less.

Jos. Vannous,	Lost River,	160	inches, from July 1st, 1883.	✓
W.A. Ledford,	" "	180	" " Apr. 1st, 1893.	✓
Thos. Keesh,	" "	1	" " Jan. 1st, 1885.	✓
Jos. Christo,	Christo Springs,	70	" " June 1st, 1882.	✓
Ernest Patch,	Cedar Creek,	60	" " June 30th, 1892.	✓
" "	Lost River,	100	" " June 1st, 1885.	✓
Chas. Minnan,	" "	120	" " May 1st, 1889.	✓
Sidney H. Hunt,	" "	1	" " Mar. 1st, 1894.	✓
D.W. Woods,	" "	30	" " June 1st, 1887.	✓
" "	" "	"	" " Mar. 1st, 1903.	✓
Isadore Fallert,	" "	200	" " June 1st, 1888.	✓
F.O. C. Hendrickson,	" "	150	" " June 1st, 1897.	✓
W.H. Brown,	" "	160	" " Feb. 1st, 1885.	✓
Levi Warren,	" "	160	" " Jan. 1st, 1897.	✓
Chas. W. Herrick,	" "	140	" " May 1st, 1899.	✓
R.H. Ewing,	" "	120	" " Jan. 1st, 1895.	✓
R.H. Ewing,	Charles Springs Creek,	40	" " June 1st, 1886.	✓
R.H. Ewing,	Lost River,	135	" " June 1st, 1889.	✓
Ed. Jamison,	" "	140	" " May 1st, 1899.	✓
E.S. Morgan,	successor of J.R. Schaid,	320	" " Oct. 1st, 1884.	✓
Jos. Rabido,	" "	180	" " Mar. 1st, 1887.	✓
" "	" "	160	" " Sept. 1st, 1891.	✓
A. J. Lambson,	" "	320	" " Mar. 1st, 1891.	✓
O.J. Wells and				
Rowena Wells	" "	75	" " June 30th, 1888.	✓
O.J. Wells and				
Rowena Wells,	" "	135	" " June 30th, 1896.	✓
Levi Staples,	" "	160	" " June 30th, 1885.	✓
Levi Staples,	Boone Creek,	150	" " Sept. 1st, 1886.	✓
Goo. B. Rogers,	Lost River,	160	" " June 30th, 1880.	✓
Herbert M. Gray,	" "	160	" " Mar. 31st, 1895.	✓
W.M. Sawyer,	" "	140	" " Oct. 1st, 1884.	✓
H.F. Sawyer,	" "	120	" " Oct. 1st, 1884.	✓
Frank Anthony,	" "	120	" " Apr. 1st, 1884.	✓

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

This transfer is superseded by 34-0818 (See Utah Construction Company vs. Abbott
decree dated October 21, 1925.)

Boise, November 5, 1907

Mr. C. C. Davidson,
Mackay, Idaho.

Sir:

I enclose you herewith your certificate of transfer of
water right.

Very truly yours,

B-CT

State Engineer.

RECEIVED
NOV 10 1907

State of Idaho
Office of State Engineer

Certificate No. 9 Authorizing Transfer of Water Right

Permission is hereby granted C. C. Davidson of Mackay County of Coeur d'Alene State of Idaho To transfer the use of one hundred (100) inches of water of Big Lost River, from the land upon which it is now used i.e. the Southeast quarter of the Southeast quarter (SE 1/4 of SE 1/4) of Section three (3) the South half of the Southwest quarter (S 1/2 of SW 1/4) and the Southwest quarter of the Southeast quarter (SW 1/4 of SE 1/4) of Section four (4) in Township seven (7) North of Range twenty-three (23) East of Boise Meridian, to the following described tract
~~The Southwest quarter of the Northeast quarter and the East quarter of the Southwest quarter of S (SW 1/4 of NE 1/4) and the~~
Southeast quarter of the Northwest quarter (SE 1/4 of NW 1/4) of Section five (5) in Township seven (7) North of Range three (3) East of Boise Meridian

The water right appurtenant to the above described land was adjudged to George B. Rogers by decree dated January 2, 1903 of Kirkland J. Perkey, Judge of the District Court of the Sixth Judicial District of Idaho in and for the County of Coeur d'Alene, in the matter of S. J. Mac et al vs Henry Harger et al, in the following words

~~Whereupon it is ordered, adjudged and decreed~~
x x x x x That each of the parties, plaintiffs and defendant hereinafter named were, at the times of the several appropriations of water made, as hereinafter set forth, the owners respectively of the several tracts of land set forth and described in the complaints, answers and cross complaints, x x x x x
The following named persons, parties to this suit are entitled to the use of the waters of Big Lost River and its tributaries upon the lands mentioned and described in the complaints and cross complaints and answers herein, in the following amounts and from the following dates, to wit; x x x
Geo. B. Rogers, Lost River, 160 inches from June 30, 1880
x x x x x

The above water right having been transferred from Geo B Rogers and wife to John Haney and from John Haney to C. C. Davidson
Witness My hand and official Seal - - -

MICROFILMED

---: -- Knew nothing of date set for this hearing until long afterwards.

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Ada } ss.

I, *M. M. Orreel*
being first duly sworn, depose and say that I am over twenty-one years of age, and the *Publisher* of the *Idaho News* ~~Capital News~~, a newspaper of general circulation, published at *BOISE*, County of *Ada*, and State of Idaho, and the annexed Notice was published in said paper once each and every week for *6* consecutive weeks, the first publication being on the *1st* day of *August* 1905, and the last publication being on the *5th* day of *September* 1905.

That said paper has been continuously and uninterruptedly published in said county during a period of six consecutive months or 52 consecutive weeks prior to the first publication of said Notice and is a newspaper within the meaning of the Act of 1903, Session Laws page 333.

M. M. Orreel

Subscribed and sworn to before me this *14* day of *December*, 1905.

J. E. Greer
Notary Public
Clk. R. of Dist. Court

MICROFILMED

1. 1000

1. 1000

Old advertising material
not received until
after date set for hearing

Did not know date of this hearing until sometime afterwards.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF BINGHAM. } SS.

Burton

I, *L. E. Dillingham*

Miner
solemnly swear that I am one of the Publishers of the ~~Bingham~~
~~County Democrat~~, a weekly newspaper of general circulation, published once each week at ~~Blackfoot~~, *Mackay* ~~Bingham~~ County, State of Idaho, that the notice attached hereto, and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper for ~~four~~ consecutive weeks, first publication having been made on *7th* day of *September* 190 *6*, that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the notice was published in the newspaper and not in a supplement, ~~and that said Bingham County Democrat has been published for over one year and is of legal age.~~

L. E. Dillingham

Sworn and subscribed to before me this *6th*

day of *October* 190 *6*

Chase A. Clark
Notary Public

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that C. C. Davidson of Mackay, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of 100 inches of the water of Big Lost River from the land upon which it is used, i. e. $\frac{1}{4}$ of NE 1-4 and E $\frac{1}{4}$ of NW 1-4 of Sec. 5, Tp. 7, R. 23, E. B. M. to the following described tract $\frac{1}{2}$ of SW 1-4 and SW 1-4 of SE 1-4 Sec. 2 and SE 1-4 of SE 1-4 Sec. 3, all in Tp. 7, N. R. 23 E. B. M. and that, on the 6th day of October, A. D. 1906, at the office of the Mackay Miner, Mackay, Idaho, before the Water Commissioner of this division, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

Full details of the proposed transfer may be obtained from Fred L. Willis, Montpelier, Idaho, Watermaster of said stream. 30-330 up.

Ad advertisement
not received ~~not~~
until after date
set for hearing

Chase A. Clark,

Attorney at Law.

Mackay, Idaho.

Feb. 11, 1907.

Honorable Frank Riblett,
Water Commissioner,
Albion, Idaho.

Dear Sir:

In the matter of transfer of water right of C. C. Davidson. This matter came on regularly for hearing. C. C. Davidson appearing and submitting duplicate plats of ditches from which the water is transferred and the ditch to which it is transferred, also presented affidavit of Leslie E. Dillingham of the publication of said hearing. Also presented copy in duplicate of application for transfer of water right. Also presented certificate of C. M. Henderson clerk of the district court of custer county Idaho, of that said water appropriated to C. C. Davidson. Also abstract of title to water.

There appeared no one to object to the transfer of this water and I could see no reason why said transfer should not be made, therefor submit same for further consideration to Frank Riblett, Water Commissioner.

Yours very respectfully,

Chase A. Clark

Dict. CAC/EWE

RECEIVED

C. C. Davidson - (Collected 750)

9-12-

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF ~~BLAINE~~ } SS.

CUSTER

I, Leslie E. Dillingham, do

solemnly swear that I am one of the Publishers of the ~~Bingham~~
~~Mackay Miner~~
~~County Democrat~~, a weekly newspaper of general circulation, pub-

lished once each week at ~~Blackfoot, Bingham~~ ^{Mackay, Custer} County, State of
Idaho, that the notice attached hereto, and which is a part of
this affidavit, and a part of the proof of publication, was pub-
lished in said newspaper for ~~four~~ consecutive weeks, first pub-

lication having been made on 4th day of January.

190 7 , that said notice was published in the regular and entire
issue of every number of the paper during the period and time of
publication, and that the notice was published in the newspaper
and not in a supplement, and that said Bingham County Democ-
~~rat has been published for over one year and is of legal age.~~

Leslie E. Dillingham

Sworn and subscribed to before me this 28th

day of January 1907.

Henry Vanderwood
Notary Public

My commission expires Feb 17, 1909.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT.

Notice is hereby given that Wayne Darlington of Custer County, Idaho, has applied to the state engineer of the State of Idaho, for a certificate authorizing him to transfer the use of 150 inches of water of Big Lost River from the ditch through which it is now used, i.e. "Hash Dutch" to the following described ditch, the "Stickney ditch." Said hearing to be held at Chase Clark's office, Mackay, Idaho, on the 28th day of January, 1907, at 2 o'clock P. M. before the Water Commissioner of this division or his authorized agent, (Chase A. Clark,) the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer. Full details of the proposed transfer may be obtained from Fred L. Willis, Montpelier, Idaho, Watermaster of said stream.

At said hearing applications of C. C. Davidson and W. J. Harris of Mackay, Idaho, and Emeline Cloward of Chilly, Idaho, as previously and respectively advertised in Silver Messenger of Challis, Idaho, and Mackay Miner of Mackay, Idaho, Aug-Sept 1905, Sept. 1906, Sept 1906 and June-July 1906, will be further considered 47-50-o-up. Dates-4-11-18-25.

C. C. Davidson - (Collector of Taxes)

Not Public

U. K.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF ~~BINGHAM~~ } SS.
CUSTER

I, Leslie E. Dillingham, do
solemnly swear that I am one of the Publishers of the ~~Bingham~~
~~County Democrat~~ ^{Mackay} a weekly newspaper of general circulation, pub-
lished once each week at ~~Bingham~~ ^{Mackay, Custer} County, State of
Idaho, that the notice attached hereto, and which is a part of
this affidavit, and a part of the proof of publication, was pub-
lished in said newspaper for four consecutive weeks, first pub-
lication having been made on 4th day of January,
1907, that said notice was published in the regular and entire
issue of every number of the paper during the period and time of
publication, and that the notice was published in the newspaper
and not in a supplement, and that said ~~Bingham County Democrat~~
~~has been published for over one year and is of legal age~~

Leslie E. Dillingham

Sworn and subscribed to before me this 28th

day of January, 1907.

Henry Vanderwood
Notary Public

My commission expires Feb'y 17, 1909.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT.

Notice is hereby given that Wayne Darling-
ton of Custer County, Idaho, has applied to the
state engineer of the State of Idaho, for a cer-
tificate authorizing him to transfer the use of
150 inches of water of Big Lost River from the
ditch through which it is now used, i. e. "Hash
Ditch" to the following described ditch, the
"Stickney ditch." Said hearing to be held at
Chase Clark's office, Mackay, Idaho, on the
28th day of January, 1907, at 2 o'clock P. M.
before the Water Commissioner of this division
or his authorized agent, (Chase A. Clark,) the
opportunity will be given to any and all per-
sons to appear and present for his considera-
tion any reason or reasons why a certificate
should not be issued authorizing such trans-
fer. Full details of the proposed transfer may
be obtained from Fred L. Willis, Montpelier,
Idaho, Watermaster of said stream.

At said hearing applications of C. C. David-
son and W. J. Harris of Mackay, Idaho, and
Emeline Cloward of Chilly, Idaho, as previous-
ly and respectively advertised in Silver Mes-
senger of Challis, Idaho, and Mackay Miner of
Mackay, Idaho. Aug-Sept. 1905, Sept. 1906, Sept
1906 and June-July 1906, will be further consid-
ered. 47-50-o-up Dates-4-11-18-35

RECEIVED

CONTINUATION OF ABSTRACT OF TITLE TO THE LAND DESCRIBED IN THE
CAPTION HERETO.

S. I. Moe et al No.
Plaintiffs
Grantor.
US #
Henry Hager et al
Defendants
Grantee
Character of Instrument.
Decree of Court
Date of Instrument.
January 2nd 1903
Date of Record.
Book of Judgments Pages 410-421 inclusive
Consideration \$
Sealed ? Revenue Stamps

Names of Witnesses

Date of Acknowledgment

Before Whom Acknowledged ?

Sealed ?

Names of Grantors who Acknowledged

Said decree recites, among other things

Whereupon it is ordered, adjudged and decreed

3. That each of the parties plaintiff and defendant hereinafter named were,
at the times of the several appropriations of water made as hereinafter set
forth the owners respectively of the several tracts of land set forth and
described in the complaints, answers and cross complaints"

The following named persons, parties to this suit are
entitled to the use of the waters of Big Lost River and its tributaries
upon the lands mentioned and described in the complaint and cross-
complaints and answers herein, in the following amounts and from the
following dates, to-wit;

Geo. B. Rogers, Lost River, 160 inches from June 30th, 1880

Done in open court this 2nd day of January, 1903

Kirtland I. Perky

District Judge.

MICROFILMED

CONTINUATION OF ABSTRACT OF TITLE TO THE LAND DESCRIBED IN THE
CAPTION HERETO.

George B Rogers
Elizabeth Rogers

Grantor.

No.

Character of Instrument.

Warranty Deed

Date of Instrument.

Dec 22, 1903

Date of Record.

July 27 1905
Book 8 of Deeds Page 34

Consideration \$ 1100⁰⁰

Grantee.

Sealed? Yes Revenue Stamps

Names of Witnesses

J. I. Pence

Date of Acknowledgment

Dec 22, 1903

Before Whom Acknowledged?

J. I. Pence, Notary, Ada Co., Ida

Sealed?

Yes

Names of Grantors who Acknowledged

George B Rogers, Elizabeth Rogers, his wife

SE¹/₄ SE¹/₄ - Sec 3

S¹/₂ of SW¹/₄ and SW¹/₄ SE¹/₄ Sec 2 Tfr 7 N R 23 E - 160 acres

Together with all water right and ditches and ditch
right of way therewith appertaining

INCORPORATED

CONTINUATION OF ABSTRACT OF TITLE TO THE LAND DESCRIBED IN THE
CAPTION HERETO.

John Haney and
Olive Haney his wife

No.

Character of Instrument.

Warranty Deed

Date of Instrument.

July 9, 1904

Date of Record.

Sept 15, 1905

Book 8 of Deeds Page 50

Consideration \$ 1100⁰⁰

Grantor.

TO

L. B. Davidson

Grantee.

Sealed ? yes

Revenue Stamps

Names of Witnesses

J. J. Fitzpatrick

Date of Acknowledgment

Sept 8, 1905

Before Whom Acknowledged?

J. J. Fitzpatrick, Notary, Chester Co. Ida

Sealed ? yes

Names of Grantors who Acknowledged

John Haney - Mrs Olive Haney his wife

SE¹/₄ of SW¹/₄ of Sec 3
S¹/₂ of SW¹/₄ and SW¹/₄ of SE¹/₄ of Sec 2 T¹/₄ N. R 23 E 160 acres

Together with the water right in and to the waters of
Big Lost River, heretofore used upon said land, in the amount
of 160 inches as decreed in the case of S. T. Moore et al vs
Henry Hanger et al from date of June 30th 1880.

RECORDED

State of Idaho,
County of Custer. } 56

I, C. M. Henderson, Ex-officio Recorder in and for
the county of Custer, Idaho, do hereby certify, that the foregoing
four sheets contain a full, true, and complete abstract of all
instruments of record in my office, which in any way affect
the title to: 160 inches of water of Lost River from June 30th, 1880
decreed to Geo. B. Rogers in the case of S. J. Moe et al vs.
Henry Harger et al.

Witness my hand and official seal this 8th day of February, 1907.

C. M. Henderson,
Ex-officio Recorder.

Application for Transfer of Water Right.

STATE OF IDAHO,

County of Custer

88.

Chas. C. Davidson, being first duly sworn, deposes and says:

That his name is Chas. C. Davidson; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Mackay, Idaho

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

County of Custer, State of Idaho, decreed to Geo. B. Rogers by decree of Judge Kirtland J. Perky, of the 8th Judicial District of the State of Idaho, in and for the County of

Custer

in the case of Moe et al vs. Hanger et al, said decree bearing date of Jan. 2nd 1903

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

following described lands situate, lying and being in the County of Custer and

State of Idaho, to wit: The Southeast quarter (S.E.⁴) of the South

East quarter (S.E.⁴) of Section three; the South half (S²)

of the South west quarter (S.W.⁴) and the South west quarter (S.W.⁴) of the

South East quarter (S.E.⁴) of Section 2 in Township 7 North of Range 23 East of 10th Meridian

and am the person (or corporation) to whom such right so issued, or have become the owner thereof in the following manner, i. e. by transfer

by Warranty deed from Geo. B. Rogers and wife to John Haney;

by transfer by Warranty deed from John Haney to C. C. Davidson

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

That said waters are now diverted from said stream at the point called

Battle Ground

and conducted to the above described lands through the Davidson ditch

as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of one hundred (100) inches of said water upon the above described land, and to convey and use same upon the following tract,

situate, lying and being in the County of Custer and State of Idaho, to

wit: Lots numbered one and two, the South West quarter (S.W.⁴)

of the North East Quarter (N.E.⁴) and the South East quarter (S.E.⁴)

of the North West quarter (N.W.⁴) of Section 5, Township 7 N. R. 23 E.

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

abandoned is wild meadows, over flow land at high water

time and does not need decreed water; land upon which

the water is to be used is venen land and useless

without decreed water.

That he intends to divert and convey said one hundred (100) cu. ft. of water to the tract of land last above described in the following manner, to wit: through a small crossing, unimproved bench land, water being diverted from Warm Spring Creek (from the south fork)

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

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

Subscribed and sworn to before me this 27th day of April A. D. 1905

Chas. C. Davidson
Shane A. Clark
Notary Public

STATE OF IDAHO, } ss.
County of Custer

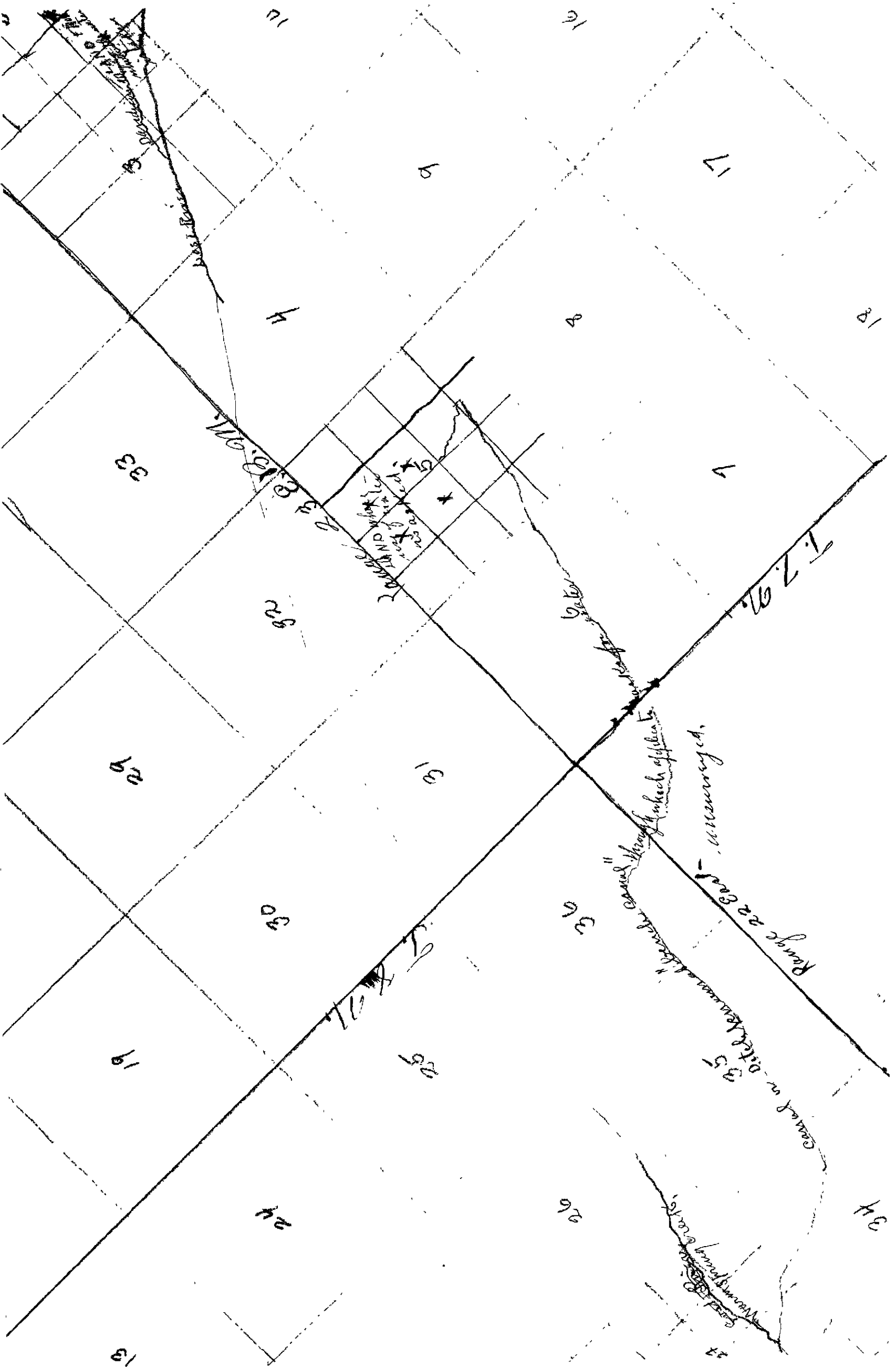
Henry Larter and George Nowacki being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Barton; that he is a user of water from Big Lost River, County of Custer State of Idaho; that he has read or heard read the foregoing affidavit and petition of Chas. C. Davidson, 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 27th day of December A. D. 1905

Henry Larter
George Nowacki
Shane A. Clark
Notary Public

STATE OF IDAHO. } ss.
County of _____

I, _____, Wastmaster of _____, County of _____, State of Idaho, whose postoffice address is _____, have read or heard read the foregoing affidavit and petition of _____



Watermaster.

By _____

No.

**APPLICATION FOR TRANSFER
OF WATER RIGHT.**

From

To

Stream

County

..... Applicant.

Received

Approved

Certificate No. issued

..... and recorded in

Book of Transfers, at page

Application for Transfer of Water Right.

STATE OF IDAHO,

County of CUSTER

ss.

CHAS. C. DAVIDSON, being first duly sworn, deposes and says:

That his name is CHASE C. DAVIDSON; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is
MACKAY IDAHO.

That he is the owner and using a certain water right of 160 INCHES of the waters of BIG-LOST-RIVER

County of CUSTER, State of Idaho, decreed to GEO. B. ROGERS by decree of Judge KIRTLAND I. PERKY, of the SIXTH Judicial District of the State of Idaho, in and for the County of CUSTER, in the case of MOE et al

vs. HARGER et al, said decree bearing date of JAN. 2ND 1903

~~XXXXXX~~ of the State of Idaho, for the purpose of irrigating the

following described lands situate, lying and being in the County of CUSTER and

State of Idaho, to wit: THE SOUTHEAST QUARTER (S.E. 1/4) OF THE SOUTH EAST

QUARTER (S.E. 1/4) OF SECTION THREE: THE SOUTH HALF (S 1/2) OF THE SOUTH-

WEST QUARTER (S.W. 1/4) AND THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTH-

EAST QUARTER (S.E. 1/4) OF SECTION TWO in Township 7, North of Range 23 E. B.M.

right so issued, or have become the owner thereof in the following manner, i. e. BY TRANSFER

BY WARRANTY DEED FROM GEO. B. ROGERS AND WIFE TO JOHN HANEY; BY

TRANSFER BY WARRANTY DEED FROM JOHN HANEY TO C. C. DAVIDSON.

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

That said waters are now diverted from said stream at THE POINT CALLED BATTLE GROUND.

and conducted to the above described lands through THE DAVIDSON DITCH

as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of ONE HUNDRED (100) INCHES

of said water upon the above described land, and to convey and use same upon the following tract,

situate, lying and being in the County of CUSTER and State of Idaho, to

wit: LOTS NUMBERED ONE AND TWO, THE SOUTHWEST QUARTER (S.W. 1/4) OF THE

NORTHEAST QUARTER (N.E. 1/4) AND THE SOUTHEAST QUARTER (S.E. 1/4) OF THE NORTH-

WEST QUARTER (N.W. 1/4) OF SECTION FIVE TOWNSHIP 7 NORTH RANGE 23 E. B.M.

That his reasons for desiring to make such transfer are as follows: THE LAND TO BE

ABANDONED IS WILD MEADOWS, OVERFLOWSLAND AT HIGH WATER TIME AND

DOES NOT NEED DECREED WATER; LAND UPON WHICH THE WATER IS TO BE USED

IS BENCH LAND AND USELESS WITHOUT DECREED WATER.

That he intends to divert and convey said ONE HUNDRED (100) INCHES of water to the tract of land last above described in the following manner, to wit: THROUGH CANAL
CROSSING UNSURVEYED BENCH LAND, WATER BEING DIVERTED FROM WARM
SPRING CREEK (FROM THE SOUTH FORK)

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

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

Chas. C. Davidson.

Subscribed and sworn to before me this 27TH day of November

A. D. 1908.

Chase A. Clark.

NOTARY PUBLIC

STATE OF IDAHO,

County of CUSTER

} ss.

HENRY LARTER

and

GEORGE NOWACKI

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 BARTON; that he is a user of water from BIG LOST RIVER, County of CUSTER, State of Idaho; that he has read or heard read the foregoing affidavit and petition of CHAS. C. DAVIDSON, 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.

Henry Larier.

George Nowacki.

Subscribed and sworn to before me this 28TH day of November

A. D. 1908.

Chase A. Clark.

NOTARY PUBLIC

STATE OF IDAHO.

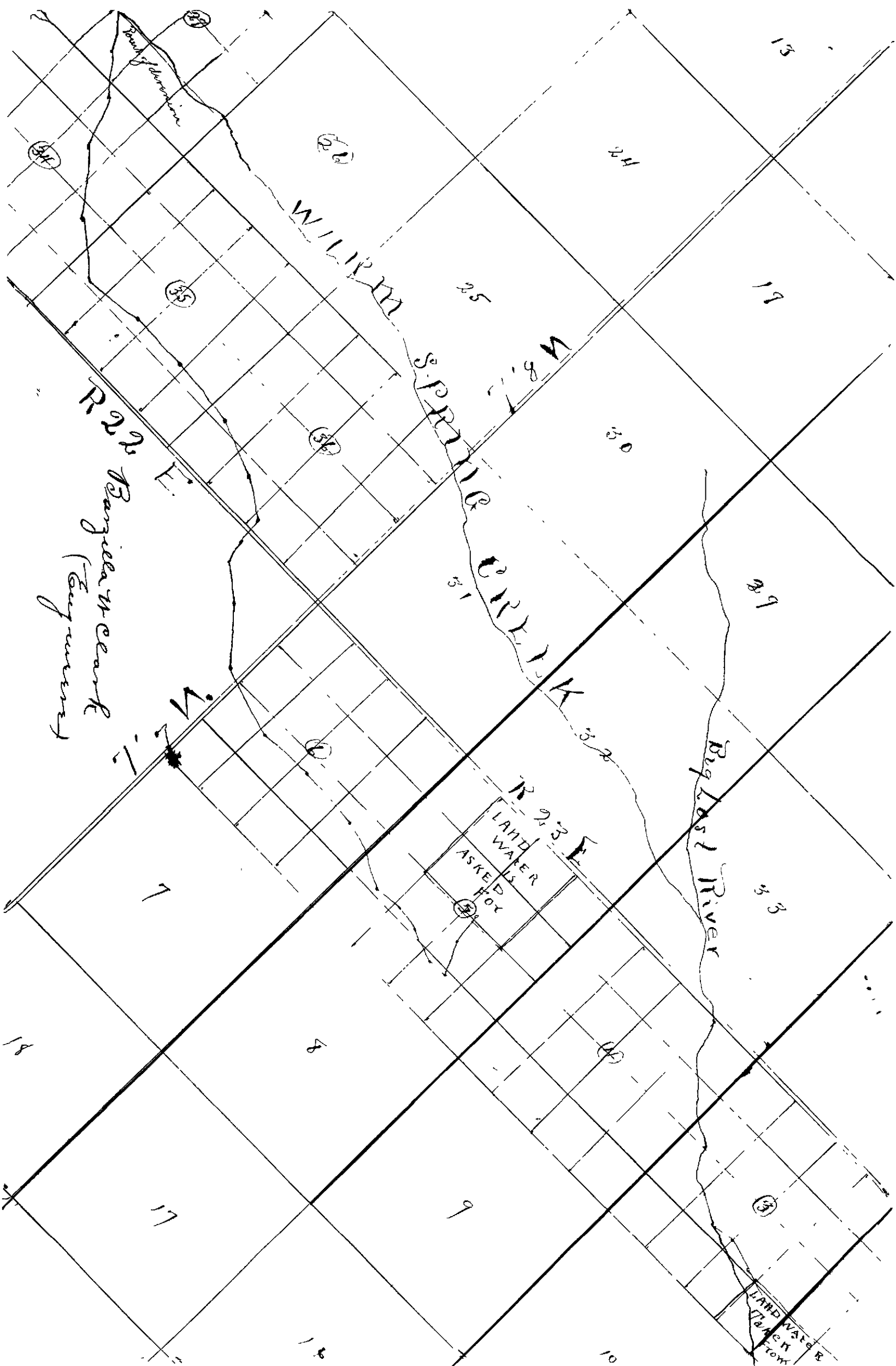
County of _____

} ss.

I, _____, Wastmaster of _____,

County of _____, State of Idaho, whose postoffice address is _____,

_____ have read or heard read the foregoing affidavit and petition of _____



Watermaster.

Albion, Cassia Co. Idaho

Feb. 21 - 1907

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

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

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

Frank Riblett

Commissioner of Water Division No. 2

By

No.

**APPLICATION FOR TRANSFER
OF WATER RIGHT.**

From

To

Stream

County

..... Applicant.

Received

Approved

Certificate No. issued

..... and recorded in

Book of Transfers, at page

Albion, Cassia Co. Idaho.
February 21, 1907.

Hon. James Stephensen, Jr.
State Engineer
Boise, Idaho.

Dear Sir:

Enclosed find application for transfer of C.C. Davidson of Mackay, Idaho, with my approval. — These applications have surely been advertized enough. No one appearing to object indicates that they are not obnoxious to the water-users of Lost River.

People have ~~xxxx~~ advertized without consulting the Water Commissioner at ~~in~~ times not letting know date of hearing until long afterwards, but the last hearing on these applications was arranged for and I believe the matter has been pretty thoroughly sifted on all these Lost River applications.

These sections of the waterlaws relating to election of watermasters by the people are in certain respects very indefinite, especially in regard to qualifications of voters. At every election where people use that privilege, a great discussion arises as to whether each and every water-user is a voter (or should be) whether a renter or not, whether the voting shall be by decrees, if so how? etc:— Some hold that each tract of land to which water has been decreed shall have but one vote even though the decrees be from different tributaries or the main stream as the case may be, or even if the tract has been subdivided and sold to numerous other parties and that if a water-user has purchased other tracts of land with decreed water he is entitled to a vote for each tract. Others hold that a water-user holding a small subdivision of a tract to which a decree has been made, whether as renter or owner is entitled to a vote. In this way the vote can be immensely increased, especially as often occurs where a tract of land is laid out as a town. — Quite a number of districts prefer an appointment by the Water Commissioner but where voting is done it would seem advisable to have these provisions more clearly defined.

I received your call for Annual Meeting of the State Board of Irrigation on the 4th. of March and will make arrangements to be there, but as the legislative legislature is drawing to a close presume the time is rapidly expiring for any changes in the law. — So far as election or appointment of watermasters is concerned I understand as a rule ~~appoint~~ appointments give the best satisfaction.

Sincerely Yours,

Frank Riber

Water Commissioner