

**NOTICE OF PROPOSED
TRANSFER OF WATER
RIGHT.**

Notice is hereby given that Lloyd Larter of Mackay, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to transfer the use of Sixteen one-hundredths (0.16) of a second foot of the water of Big Lost River, with priority of October 12, 1884, from the land upon which it is now used, i.e. Beginning at the intersection of the Smelter Branch of the O.S.L. Ry. Co. and Smelter Avenue; thence Southerly along said Smelter Avenue 259 feet to corner post; thence Easterly 10 feet; thence Southerly 25 feet;

thence Westerly 300 feet; thence Northerly 25 feet; thence Easterly 126 feet; thence Northerly 943 feet to corner post in Railway fence; thence Southwesterly along the right-of-way to said Smelter Branch of said O.S.L. Ry. Co. 925 feet to place of beginning; all in Section 28, Township 7 North, Range 24 East, B. M. to the following described tract: The SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 6 North, Range 25 East, B. M.

And that, on the 20th day of December, A D. 1945, at 10:00 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.

First publication Dec. 6, 1945.

Last publication Dec. 13, 1945

Affidavit of Publication

State of Idaho }
County of Custer } ss.

I, F. A. Spraktes, Editor of the MACKAY MINER, a weekly newspaper of General Circulation published weekly at Mackay, Idaho, continuously since February 16, 1906, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated December 6, 1945, and ending with the issue dated December 13, 1945.

Subscribed and sworn to before me this 17th day
of January, 19 46.

Notary Public

RECEIVED

JAN 20 1946

Department of Reclamation

Name of Applicant.....

12N, 23E

Big Lost River

SEC.

SEC.

SEC.

(7N, 24E)

7

Shooper Ditch

SEC.

SEC.

SEC.

18

17

SEC.

SEC.

SEC.

20

21

SEC.

SEC.

SEC.

Town Ditch

28

SEC.

SEC.

SEC.

Big Lost River

(7N, 24E)

34

35

36

Harris & Vaughn

SEC.

SEC.

SEC.

(6N 25E)

6

7

8

TRANSFER OF WATER RIGHT

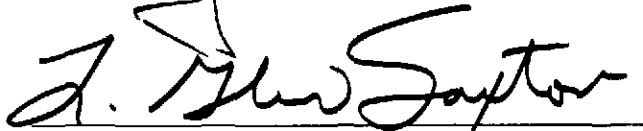
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
06N	25E	6	Lot 1 (NENE)	41	Lot 2 (NWNE)	40	SWNE	39	
			SENE	38	NESE	15	NWSE	15	188
					Total number of acres irrigated:				** 188

TRANSFER NO. 4529
WATER RIGHT NO(S). 34-00374B/34-00375B/34-00459
34-00490/34-12365

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- ** 6. Right 34-00374B is limited to the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- ** 7. Right 34-00459 is limited to the irrigation of 8.0 acres in the place of use described above in a single irrigation season.
- ** 8. Right 34-12365 is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- * 9. Rights 34-00374B, 34-00375B, 34-00459, 34-00490 and 34-12365 when
** combined shall not exceed a total combined diversion rate of 5.56 cfs when delivered through the Harris Vaught Ditch and 3.76 cfs when delivered by the pump directly from the river, a total annual diversion volume of 658.0 af, and the irrigation of 188.0 acres.
- * 10. Rights 34-00374B, 34-00375B, 34-00459, 34-00490 and 34-12365 when
** combined with groundwater Right 34-10895 shall not exceed a total combined diversion rate of 6.27 cfs when delivered through the Harris Vaught Ditch and 4.60 cfs when delivered by the pump directly from the river, a total annual diversion volume of 805.0 af, and the irrigation of 230.0 acres.

Dated this 8th day of February, 1999.


Chief, Water Allocation Bureau

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Larter, Henry	0.16		34-0459
683	Larter, Lloyd	0.16	0	34-0459A

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R
T

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 683

THIS IS TO CERTIFY THAT LLOYD LARTER, of Mackay, Idaho, is the owner of and using a certain water right from Big Lost River, in the amount of Sixteen-hundredths (0.16) of a cubic foot per second, bearing date of priority of October 12, 1884, said water being decreed to HENRY LARTER, by Judge E. S. Farrington, of the United States District Court in and for the State of Idaho, Eastern Division, in the case of

UTAH CONSTRUCTION COMPANY,
Plaintiffs,
vs.

JOHN F. ABBOTT, ET AL.,
Defendants,

said decree bearing date of March 23, 1923, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 27, in the County of Custer and State of Idaho, to-wit:

Beginning at the intersection of the Smelter Branch of the O. S. L. Ry. Co. and Smelter Avenue; thence Southerly along said Smelter Avenue 239 feet to corner post; thence Easterly 10 feet; thence Southerly 25 feet; thence Westerly 300 feet; thence Northwely 25 feet; thence Easterly 126 feet; thence Northerly 943 feet to corner post in Railway fence; thence Southwesterly along the right-of-way of said Smelter Branch of said O. S. L. Ry. Co. 925 feet to place of beginning; all in Section 28, Township 7 North, Range 24 East, B.M.

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

That said Lloyd Larter has become the owner of said water right by purchase.

And that now, upon the application of Lloyd Larter, of Mackay, Idaho, for the transfer of Sixteen-hundredths (0.16) of a cubic foot per second of said water right, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Sixteen hundredths (0.16) of a cubic foot per second of the waters of Big Lost River upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right hereby CONFIRMED shall become appurtenant by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

The Southeast Quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Six (6), in Township Six (6) North, Range Twenty-five (25) East, B. M.

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

Sixteen hundredths (0.16) of a cubicfoot per second, bearing date of priority of October 12, 1884

That the water right hereby transferred has heretofore been conducted from Big Lost River to the first above described lands through the Sharps Ditch, with point of diversion in the SE $\frac{1}{4}$ Section 12, Township 7 North, Range 23 East, B.M.

That the water right hereby transferred will hereafter be conducted to the lands last above described through the Harris-Vaught Ditch, with point of diversion in the NW $\frac{1}{4}$ Section 34, Township 7 North, Range 24 East, B. M.

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 24th day of January, A. D. 1946.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

REPROFILMED

COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

LLOYD LARTER
Of Mackay, Idaho

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

ORDER GRANTING TRANSFER

No. 653

WHEREAS, On the 20th day of December, 1945, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of LLOYD LARTER, of Mackay, Idaho, for a Transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence, filed by the applicant, with the application, shows that the water will be put to a more practical and efficient 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 24th day of January, A. D. 1946.

Mark R. Kulp
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State Reclamation Engineer

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STATE OF IDAHO
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That the said water is to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Sixteen hundredths (0.16) of a cubicfoot per
second, bearing date of priority of
October 12, 1884

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That the water right hereby transferred will hereafter be conducted to the lands last above described through the Harris-Vaught Ditch, with point of diversion in the NW $\frac{1}{4}$ Section 34, Township 7 North, Range 24 East, B. M.

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 24th day of January, A. D. 1946.

MARK R. KULP

State Reclamation Engineer

COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

LLOYD LARTER
Of Mackay, Idaho

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

ORDER GRANTING TRANSFER

No. 683

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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 more practical and efficient 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 24th day of January, A. D. 1946.

MARK E. KULP

State Reclamation Engineer

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. Alern, Andreas Aikole (or A. Aikole), Calvin S. Allen, Frank A. Alleh, Gladys Allen, L. C. Allen, Richard Roe Alson, George L. Ambrose, Charles B. Anderson, Francis G. Anderson (or Francis C. Anderson, E. Gus Anderson (or F. G. Anderson or Gus Anderson,) H. W. Anderson, Byron 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), J. A. Anderson, Niels E. Anderson, Peter C. Anderson (or P. C. Anderson), S. A. Anderson, W. W. Anderson, Louis Andreason (or Lewis Andreason), H. W. Angelo (or Wallace Angelo), Frank Anthony, Marie L. Anthony, Arco Townsite Company, an unincorporated Association; Eleazer Asay, Ernest W. Asay, Dana M. Asnton, 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 P. Baird, Bank of Mysa, an Oregon Banking corporation; John L. Bardsley, Josie Bardsley, Jerome L. Bartlett (or J. K. Bartlett), A. H. Bascom, W. W. Bascom, Pete Basick, Harlow Bassett (or H. Bassett), Clara M. Bate, J. H. Bate (or Joseph M. Bate), Ralph Bate, J. J. Bates, Leslie Bates, Erin Beal (or Aron Beal) or C. Beal, Eldon E. Beck; J. J. Beck and John Doe (or John Dingree) and Richard Roe (or F. S. Lock, as statutory trustees of Beck Land/Livestock Company, a defunct Idaho Corporation; William Beck, Beck Land and Livestock Company, an Idaho corporation; W. W. Bell, Lee Bell, John C. Beil, 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 Buechlin, Lota C. Billings, Elizabeth Bills, John L. Bills, Norman Bills, Ole Bills, Albert F. Bischoff (or A. F. Bischoff), Lewis A. Bitton (or John Lee Britton), Elna Bitton (or Elna Britton), B. Bjornson (or A. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Huber S. Johnson); Charles H. Black, Mary E. Black, Wils 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 C. 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 M. Boyd, Robert G. Boyd (successor in interest of Charles H. Emptor), F. T. Boyer, Elizabeth Bradshaw (now deceased), George Bradshaw, John Bradshaw, Earl 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 M. Braithwaite, J. C. Brake, William H. Brashear, H. W. Brengman, Charles Brown, Edna Brown, Edna A. Brown, as executrix of the estate of Martin L. Brown, deceased substituted for

Claud M. Larter

(a) 1902-March 1 3.2 c.f.s.

To be diverted from Big Lost River through the Chilly Ditch having its point of diversion in the Southwest quarter of Section 1, Township 8 North, Range 21 East, B. M., for the irrigation of the following described land, to-wit:

Southwest quarter of the Southwest quarter of Section 27; Southeast quarter of the Southeast quarter, Southwest quarter of the Southeast quarter, Southeast quarter of the Southwest quarter of Section 28; Northeast quarter of the Northeast quarter of Section 33; Northwest quarter of the Northwest quarter of Section 34; all in Township 9 North, Range 22 East, B. M., and

(b) 1908-February 24 1.6 c.f.s.

To be diverted from Big Lost River through the Ingram Ditch, having its point of diversion in the Northwest quarter of Section 6, Township 8 North, Range 21 East, B. M., for the irrigation of the land last above described

No. 286

Ella C. Larter

1912-February 27 0456 0.8 c.f.s.

To be diverted from Big Lost River through the Ingram Ditch having its point of diversion in the Northwest quarter of Section 6, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Southwest quarter of the Northeast quarter of Section 33, Township 9 North, Range 22 East, B. M.

No. 287

Henry Larter

(a) 1886-September 1 3.2 c.f.s.

To be diverted from Warm Springs Creek through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the following described land, to-wit:

Northwest quarter of Section 35, Township 8 North, Range 22 East, B. M., and

(b) 1886-September 1 0.6 c.f.s.

To be diverted from Warm Springs Creek through a private ditch having its point of diversion in the Northeast quarter of Section 34, Township 8 North, Range 22 East, B. M., for the maintenance only of a fish pond in the Southeast quarter of the Northwest quarter of Section 35, Township 8 North, Range 22 East, B. M.

(c) 1884-October 1 0459 0.16 c.f.s.

To be diverted from Big Lost River through the Sharp Ditch having its point of diversion in the Southeast quarter of Section 12, Township 7 North, Range 23 East, B. M., for the irrigation of the following tract of land near Mackay, Custer County, Idaho, described as follows:

No. 288

Ralph V. Larter

1915-October, 11th 0.6 c.f.s.

1916-May 1 2.6 c.f.s.

No. 289

Gotlob Laubenstein

1898-June 1 1.2 c.f.s.

1902-June 1 0.4 c.f.s.

No. 290

Beginning at the intersection of the Smelter Branch of the O. S. L. Ry. Co. and Smelter Avenue: thence Southerly along said Smelter Avenue 259 feet to corner post; thence easterly 10 feet; thence Southerly 25 feet; thence Westerly 300 Feet; thence Northerly 25 feet; thence Easterly 125 feet; thence Northerly 943 feet to corner post in Railway fence; thence Southwesterly along the right-of-way of said Smelter Branch of said O. S. L. Ry. Co. 925 feet to place of beginning.

To be diverted from Big Lost River through the Ingram Ditch having its point of diversion in the Northwest quarter of Section 8, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Southwest quarter of the Southeast quarter of Section 32, Township 9 North, Range 22 East, B. M., and Lots 2, 3 and 4 of Section 5, Township 8 North, Range 22 East, B. M.

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 Northeast quarter of Section 22, Township 5 North, Range 26 East, B. M., described as follows:

Beginning at the Northwest corner of the Southeast quarter of the Northeast quarter of Section 22, Township 5 North, Range 26 East, extending due East $1\frac{1}{2}$ rods; thence South 80 rods thence West $1\frac{1}{2}$ rods; thence North 80 rods to point of beginning, containing $\frac{3}{4}$ acres, more or less, also; beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 22, Township 5 North, Range 26 East, B. M., thence due East $11\frac{1}{2}$ rods; thence South 32 rods; thence West 10 rods; thence South 48 rods; thence West $1\frac{1}{2}$ rods; thence North 80 rods to the point of beginning, containing $2\frac{3}{4}$ acres, more or less, also;

West half of the Southeast quarter of the Northeast quarter of Section 22, Township 5 North, Range 26 East, B. M., also;

Beginning at the Southwest corner of the Northwest quarter of the Northeast quarter of Section 22, Township 5 North, Range 26 East, B. M., thence due North 80 rods; thence East 15 feet; thence South 80 rods; thence West 15 feet to the place of beginning.

This
Right has been
Decreed in the
SRBA.

Transfer No. 4529

Owner: Anthony O. Alosi

34-12365 1.00 cfs NAP filed with SRBA Court

Limited to 50 acres within 188 acre permissible place of use
34-12365 is a combination of the following decreed rights

34-00827C 0.50 cfs
34-00829C 0.50 cfs

34-00459 0.16 cfs NAP filed with SRBA Court

Limited to 8 acres within 188 acre permissible place of use

34-00374B 1.60 cfs NAP filed with SRBA Court

Limited to 80 acres within 188 acre permissible place of use

34-00490 1.60 cfs NAP filed with SRBA Court

This right would be limited to 80 acres; however, the earlier priority rights allow for irrigation of 138 acres of the 188 acre permissible place of use, so this right adds only 50 additional acres. Therefore, no acreage limit is necessary for this right.

34-00375B 1.20 cfs NAP filed with SRBA Court

This right would be limited to 60 acres; however, the earlier priority rights allow for irrigation of the entire 188 acres. Therefore, no acreage limit is necessary for this right.

Summary:

The Big Lost River rights appear to have been decreed to 278 acres. There has been an overall reduction in the total number of acres irrigated by these rights when they are used in combination with each other. Therefore, there is no enlargement in use for these rights. Groundwater right 34-10895 has been partially decreed, and it overlaps the entire 188 acres and should be considered supplemental to the 188 acres. 34-10895 is also used as the only water right on an additional 42 acres. Since the transfer requests the addition of a second point of diversion at a pump station near the place of use, the amount of water diverted under all the Big Lost River rights when the new point of diversion is in use should be limited to 0.02 cfs/acre. The result should be a total combined diversion rate limit of 3.76 cfs for the Big Lost River rights, and a total combined diversion rate limit of 4.60 cfs when the groundwater right (34-10895) and the Big Lost River rights are used in combination.

Another concern is that the new point of diversion is in the area where there has been recent controversy over the channel of the Big Lost River. It would probably be beneficial to have the precise location of the pump station identified by the owner. Erv Ballou will be in the area on or about March 1, 1999 and could obtain this information. The place of use for 34-00459 appears to be in error as it was reported in the Basin 34 Director's Report. This has been corrected to match the place of use described on the transfer.

Carter Fritschle 02/02/99

MEMORANDUM

TO: FILE 34-00459

FROM: PAM SKAGGS

RE: TRANSFER # 4529

DATE: 1/25/95

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 34-00374.

ENCLOSURE

PAR 11 1994

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Date . November 29, 1945 .

The Mackay Miner

Mackay, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to December 20, 1945 the date set for hearing, the expense of the publication to be paid by the applicant, ~~Lloyd Carter, Mackay, Idaho~~

Worth Ivie, Mackay, Idaho

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

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

Very truly yours,

MARK R. SULLP
State Reclamation Engineer

By

Loy A. Thompson

Supervisor of Water Distribution

Notice of Proposed Transfer of Water Right

Notice is hereby given that **Lloyd Larter** of **Mackay,**
Idaho **State Reclamation Engineer**,
 has applied to the ~~Commissioner of Reclamation~~ of the State of Idaho for a certificate authorizing him to transfer the use of **Sixteen one-hundredths (0.16) of a second**
foot of the water of **Big Lost River, with priority of October 12, 1884,**

from the land upon which it is now used, i. e. **Beginning at the intersection of the Smelter Branch of the O.S.L. Ry. Co. and Smelter Avenue; thence Southerly along said Smelter Avenue 259 feet to corner post; thence Easterly 10 feet; thence Southerly 26 feet; thence Easterly 300 feet; thence Northerly 25 feet; thence Easterly 126 feet; thence Northerly 943 feet to corner post in Railway fence; thence Southwesterly along the right-of-way to said Smelter Branch of said to the following described tract O.S.L. Ry. Co. 925 feet to place of beginning; all in Section 28, Township 7 North, Range 24 East, B. M.**

to the following described tract: The SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 6 North, Range 25 East, B. M.

And that, on the **20th** day of **December**, A. D. **1924**, at **10:00 o'clock A. M., at Room 107 State House, Boise, Idaho**
State Reclamation Engineer
 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.

MARK R. KULP

Commissioner of Reclamation
State Reclamation Engineer

January 25, 1946

Mr. Worth Ivie
Mackay, Idaho

Dear Mr. Ivie:

We enclose herewith Certificate of Transferred
Water Right, issued in accordance with the
application filed by Lloyd Larter.

We also enclose Departmental receipt No. 19295
for the \$1.00 fee for recording same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A
enc.
CC to J. H. Pearson
Watermaster if 26

**NOTICE OF PROPOSED
TRANSFER OF WATER
RIGHT.**

Notice is hereby given that Lloyd Larter of Mackay, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to transfer the use of Sixteen one-hundredths (0.16) of a second foot of the water of Big Lost River; with priority of October 12, 1884, from the land upon which it is now used, i.e. Beginning at the intersection of the Smelter Branch of the O.S.L. Ry. Co. and Smelter Avenue; thence Southerly along said Smelter Avenue 259 feet to corner post; thence Easterly 10 feet; thence Southerly 25 feet; thence Westerly 300 feet; thence Northerly 25 feet; thence Easterly 126 feet; thence Northerly 943 feet to corner post in Railway fence; thence Southwesterly along the right-of-way to said Smelter Branch of said O.S.L. Ry. Co. 925 feet to place of beginning; all in Section 28, Township 7 North, Range 24 East, B. M. to the following described tract: The SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 6 North, Range 25 East, B. M.

And that, on the 20th day of December, A. D. 1945, at 10:00 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.

First publication Dec. 6, 1945.

Last publication Dec. 13, 1945

Affidavit of Publication

State of Idaho }
County of Custer } ss.

I, F. A. Spraktes, Editor of the MACKAY MINER, a weekly newspaper of General Circulation published weekly at Mackay, Idaho, continuously since February 16, 1906, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated December 6, 1945, and ending with the issue dated December 13, 1945.

F. A. Spraktes
Subscribed and sworn to before me this 17th day
of January, 19 46.

Notary Public

January 14, 1946

Mr. North Ivie
Mackay, Idaho

Dear Mr. Ivie:

We have not yet received the affidavit of publication from the Mackay Miner, which they were instructed to send you, in connection with the application of Lloyd Larter for a transfer of water right in Big Lost River.

Upon receipt of this affidavit, and the \$1.00 recording fee, a Certificate of Transfer will be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy A. Thompson
Supervisor of Water Distribution

A
CC to Lloyd Larter

Moore, Idaho. November 27, 1945.

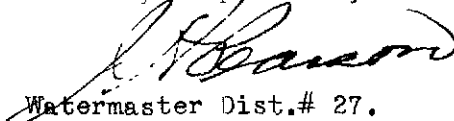
Mr. Mark R Kulp,
State Reclamation Engineer,
Boise, Idaho.

Dear Sir;

I am inclosing an application for transfer of
water right for Lloyd Larter,

The expense of publication and recording is to
be paid by Worth Ivie, Mackay, Idaho.

Very respt. yours,


Watermaster Dist. # 27.

RECORDED

Application for Transfer of Water Right

STATE OF IDAHO,

County of Custer

) ss.

Lloyd Larter

, being first duly sworn, deposes and says:

That his name is Lloyd Larter, that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Blackfoot, Idaho

That he is the owner and using a certain water right, bearing date of priority of October 12 1884 for .16 cubic feet per second of the waters of Big Lost River

County of Custer, State of Idaho, decreed to Henry Larter

Court

by decree of Judge, L. J. Harrington of the United States District of the State of Idaho, Eastern Division

in and for the County of Custer, in the case of Utah Construction Company a Corporation

vs. John F. Abbott, et al, said decree bearing date of March 13, 1927

(or obtained by virtue of License No. , issued by the State Engineer or the Commissioner of

Reclamation 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. 27 in the County of Custer and State of Idaho, to-wit: Beginning at the intersection of the Smelter Branch of the O.C.I. Ry. Co. and Smelter Avenue; thence southerly along said Smelter Avenue 250 feet to corner post; thence easterly 10 feet; thence southerly 5 feet; thence easterly 50 feet; thence northerly 25 feet; thence easterly 125 feet; thence northwesterly 50 feet to corner post in Railway Fence; thence northwesterly along the right-of-way of said Smelter Branch of said O.C.I. Ry. Co. 925 feet to place of beginning. *all in sec. 28-7-N-24-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.

purchased from Henry Larter, Estate

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 Harpe of Section 12, Township 7 N., Range 23 E, B M, and conducted to the above described lands through Cherne

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

That affiant and petitioner desires to abandon the use of .16 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:

The South East quarter of North East Quarter (S.E. 1/4) and the North East quarter of the South East Quarter (N.E. 1/4) of Section six 6, in Twp. North Range 15 N.E.

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

better use of water, impractical to use the water on the first described property

RECORDED
INDEXED
JUN 10 1928

That he intends to divert and convey said .16 second feet of water to the tract of land last above described in the following manner, to-wit: ~~thru~~ Harris-Vaught Ditch

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

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

Lloyd Carter Applicant.

Subscribed and sworn to before me this - *fourth* - day of *October*

A. D. 19*45*

[Signature]
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS.

From what stream is the water now diverted? *Big Lost River*

Where is the diversion point now located? *SE 1/4 Sec. 12 T. 7 N. R. 23 E. B.M.*

Through what ditch is it now conducted? *Sherge*

How much land is now irrigated by the water sought to be transferred? *none, it is impractical to take the water through the town ditch and the property sub-irrigates*
Give the description:

What is the total amount of water in inches, or second feet, dedicated to said land? *8 inches*

What kind of crops are being raised? *wild hay*

How much water per acre is now required to irrigate said land? *no surface water, just "sub"*

What will be the effect on the land now irrigated, if the use of water on it is discontinued? *no effect*

Give location of new point of diversion, if change is to be made *Sec. 34 (N.W.) T. 7 N. R. 24 E. B.M.*

Through what ditch will it be conducted after transfer? *Harris -Vaught ditch*

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

1 inch to the acre

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

none

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 *90 inches 5/6/1899, 50 inches 5/3/1884 from Big Lost River.*

81 acres of the land covered by the 90 inches of 1899 has a supplemental storage water right from Mackay Reservoir (Big Lost River Irrigation District) however the balance of the 1899 is only a "flood right", that is most of the year the right is not able to be filled as the flow is insufficient.

Signed *Lloyd Carter* Applicant.

A G R E E M E N T

THIS AGREEMENT, made and entered into this 17 day of October 1945, by and between Big Lost River Irrigation District, a duly organized Irrigation District of the Counties of Butte and Custer, State of Idaho, having its office and principal place of business at Mackay, Custer, County, Idaho, the party of the first part, hereinafter called the District, and J. R. Robinson and Robinson, husband and wife, of Mackay, Idaho, Custer County, the parties of the second part, WITNESSETH:

WHEREAS, the District is a duly organized Irrigation District of the State of Idaho, in the counties of Butte and Custer of said State, and has its office and principal place of business at Mackay, Custer County, Idaho, and as such District is the owner and in possession of all the water rights out of Big Lost River and its tributaries, Butte and Custer counties, Idaho, formerly owned by the Utah Construction Company, a corporation, and certain individual land owners on said company's Carey Act Project in Butte County, Idaho, said water rights having heretofore been purchased by said District from said Company from the proceeds of a bond issue in the sum of \$238,500.00 voted by the resident land owners of the District on May 18th, 1935; and

WHEREAS, pursuant to and in accordance with the Statutes of Idaho, in such case made and provided, a Petition was filed in the District Court of the County of Custer, State of Idaho, on December 3rd, 1935, by the Board of Directors of said District, for the examination, approval and confirmation among other things, of all proceedings taken by said District connected with the formulation of a plan of operations for said District of all proceedings taken in connection with the assessment and apportionment of benefits, had and taken by said District by reason of the carrying out of such plan, the cost of which is represented by its first issue, first series bonds in the amount of \$238,500.00 issued for the purchase of irrigation works and water rights, and for the examination, approval and confirmation of all proceedings had and taken by said District connected with the authorization, issuance and sale of said bonds, and of all matters in connection with or related to any of the above mentioned proceedings; and

WHEREAS, after due and legal hearing on said petition, a judgment and decree was entered in said Court on January 6th, 1936, approving and confirming each and all of the above mentioned proceedings and making an apportionment and distribution of benefits to and upon the lands within said District, which lands are more particularly described in said judgment and decree and in the books and records of the District, and which includes the lands hereinafter described; and that said judgment and decree apportioned the benefits properly assessable against said lands of the party of the second part as to ~~lands~~

tract acreage, irrigable acres, acres approved for storage water benefits, amount of basic assessment, amount of storage water assessment, and the total amount of assessment as follows; to-wit:

Tract Acreage	Irrigable Acres	Acres approved for Storage Water Benefits	Amount Basic Assess.	Amount storage water Assessment	Total amount assessment
7.8	7.8	7.8	\$ 5.00	\$ 2.89	\$61.54

WHEREAS, the total amount of the aforesaid assessment and apportionment of benefits as fixed by said Court by its said judgment and decree of January 6, 1936, was made and decreed to be a prior and superior lien on said lands first described herein and water rights appurtenant thereto, to all mortgages and other liens against said lands and the appurtenances; and the said supplemental storage water right was decreed by judgment and decree for use upon said lands only and no other lands.

WHEREAS, bonds duly and regularly issued in the sum of \$238,500.00 by the District pursuant to legal authority therefor, have heretofore been purchased and are now owned by Reconstruction Finance Corporation under the terms and conditions of a certain agreement made and entered into between the District and Reconstruction Finance Corporation, approved by said District of date, March 20, 1935,; and

WHEREAS, ~~Marshall~~ Lloyd Larter is the owner and in possession of the following described lands situate in the County of Custer State of Idaho, to-wit: Beginning at the intersection of the Smelter branch of the O.S.L. Ry Co. and Smelter Avenue, thence southerly along said Smelter Avenue 259 feet to corner post; thence Easterly 10 ft. thence southerly 25 feet; thence Westerly 300 ft; thence Northerly 25 ft; thence Easterly 126 ft; thence Northerly 943 feet to corner post in Railway fence; thence Northwesterly along right-of-way of said Smelter branch of O.S.L. Ry. Co. 925 feet to place of beginning. said lands having appurtenant thereto a certain decreed water right of 1 1/2 ~~1/2~~ ^{inches} ~~feet~~

8 inches of waters of Big Lost River with date of priority of October 12, 1884 said water right having been decreed to Henry Larter as right #288 by decree signed by Judge E. S. Farrington of date of March 15, 1923, in the United States District Court of the District of Idaho, Eastern Division, in the case of the Utah Construction Company, a corporation, as plaintiff, vs. John F. Abbott, et al, as defendants, in Equity No. 222.

WHEREAS, the said Lloyd Larter is entitled to the use of and is using upon said above described lands a certain supplemental storage water right out of the Mackay Reservoir belonging to the District for 7.8 acres of said lands in the amount of .81 acre feet per acre, or such proportion of such stored water as may be available in said reservoir from year to year of the above lands, as have been approved and allotted storage water and benefits by the said decree of confirmation dated January 6, 1936, in the District Court of the Sixth Judicial District for the State of Idaho, in and for the County of Custer; and

Lloyd Carter and

WHEREAS, the parties of the second part desire to change the place of use of ~~xx~~ the said decreed water right, to-wit, 8 inches of the waters of Big Lost River with date of priority of October 12th 1884, ~~and the above described supplemental storage water right of .81 acre feet per acre for 7.8 acres, from the lands above described, to the following described lands owned by the said J. R. Robinson and~~ Robinson, husband and wife, situate in the County of Custer, State of Idaho, to-wit:

The SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, in Twp. 6 N. R. 25 E.B.M.

WHEREAS, said District has and holds a first and prior lien upon said lands first described herein for the payment of the sum of \$61.54, due thereon as an assessment and apportionment of benefits as aforesaid and it cannot legally agree to the change of place of use of all or any part of the decreed water rights or supplemental storage water rights appurtenant to said lands, unless the amount of said assessment and apportionment of benefits is first paid by the parties of the second part or shall become a first lien upon said lands to which said water rights are sought to be made appurtenant by this agreement, the maintaining of said first lien being required of said District by the said Reconstruction Finance Corporation under its said agreement with the latter; and

WHEREAS, it will be for the best interests of said District and the parties of the second part that the change of the place of use of a portion of the said water right be made as hereinbefore set forth and that such change in place of use thereof will result in a better and more efficient use of said water right and on a better quality of land.

NOW, THEREFORE, this agreement, WITNESSETH:-

1. it is agreed that the aforesaid portion of the above decreed water right and supplemental storage water right, to-wit:-

8 inches October 12, 1884 priority and storage water supplemental thereto of .81 acre feet per acre or portion thereof,

appurtenant to said lands first described herein, may be transferred, or the place of use changed, by proper proceedings filed in the Department of Reclamation of the State of Idaho, from said lands first described herein to the following described lands, to-wit:-

SE $\frac{1}{4}$ NE $\frac{1}{4}$ AND NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T. 6 N. R. 25 E.B.M.

such transfer or change of place of use to be made with the distinct understanding and it is specifically agreed, that the sum of \$ 61.54 consisting of the following assessments, to-wit:-

Basic assessment on the 7.8 acres of Oct. 12, 1884 priority	\$39.00
Storage " " " 7.8 acres of Oct. 12, 1884 priority	22.54

. of the amount of said original assessment and apportionment of benefits, together with accrued interest, penalties, bond interest and collection charges, shall be a first lien in favor of said District on the said lands last above described to which said change in place of use of said water right shall be made, over and above any claim of the parties of the second part and of any and all claimants and mortgagees of said land, which amount the parties of the second part agree to pay to the District in full on the same terms and conditions as assessments and apportionment of benefits are paid by other land owners within said District under the aforesaid bond issue; and it is hereby specifically agreed that the District does not by this agreement waive, and it is hereby granted any and all legal rights provided by Title 42 of the Statutes of Idaho for levy, collection and enforcement of any and all assessments of every kind and character, including assessments of bond interest and sinking fund, hereafter levied by the District against the said lands to which said water rights are herein agreed to be transferred.

2. As a further consideration for said transfer or change of place of use, the parties of the second part specifically agree to pay any and all Irrigation District bond interest charges hereafter accruing against said lands last above described, when as the same shall become due and under the same terms and conditions as required of other land owners in said district, and they also agree to pay all assessments and apportionment of benefits and bond interest charges due to date against said original lands so that there shall be no delinquent charges of any kind or character against said land at the time of signing of this agreement.

3. It is fully agreed that before this agreement shall be fully operative and the parties bound by the provisions thereof, all mortgagees and other claimants against said lands, if any there be, shall consent in writing of such ~~in~~ a character that the claims of said mortgagees and claimants shall be subject to and inferior to the claim of the said District on said lands to which said water rights shall be transferred in the aforesaid sum of \$61.54, together with accrued interest, penalties, bond interest and collection charges.

4. It is further agreed that the parties of the second part shall at their own expense file with the Department of Reclamation of the State of Idaho, an application for the change in place of use of said water rights and they shall bear all expenses connected therewith, and this agreement shall be incorporated in and become a part of of such application for transfer and should the same be approved by the Department of Reclamation, and a certificate of transfer be issued by the said Department of Reclamation it shall be issued subject to the terms and conditions of this agreement, and not

otherwise, and the District agrees to file written consent to such transfer with the said Department of Reclamation, provided only that such transfer is made in accordance herewith.

5. It is further agreed that should it become legally necessary subsequent hereto, in order to effectuate the change of place of use or transfer of the water rights herein described, and carry out the terms and conditions of this agreement, the parties of the second part agree to pay any and all the necessary expense thereof, including the expense of any legal action and the recording of this contract in the proper county.

6. It is further agreed that this agreement is made and entered into subject to the approval of the Reconstruction Finance Corporation.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 17 day of October 1945, at Mackay, Idaho, in triplicate, one copy as signed being retained by each of the parties hereto, and one copy filed with the Department of Reclamation of the State of Idaho.

BIG LOST RIVER IRRIGATION DISTRICT

BY Ira C. Lambert
President.
Party of the first part.

WITNESSED BY:

H. C. Schade
J. P. Robinson

Mamie Robinson
J. P. Robinson
Party of the second part.

STATE OF IDAHO,

County of

Custer

ss.

Geo D. Smith and J. M. Smith

being first duly sworn, each for himself, and not one for the other, deposes and says. That he is a citizen of the United States and of the State of Idaho, residing at Mackay Idaho that he is a user of water from Big Lost River, in Water District No 2; County of Custer, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Lloyd Carter 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

17

day of

October

A. D. 1945.

STATE OF IDAHO,

County of

Custer

ss.

I,

H. H. Hanson

, Watermaster of

Water District No. 27

, County of

Custer & Butte

, State of Idaho, whose postoffice address

is Moore Idaho

, have read or heard read the foregoing affidavit and petition

of Lloyd Carter

, 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: Water NOT required on place from which water is asked to be TRANSFERRED, as Land Subs.

Dated at

Mackay

, Idaho, this

8th

Watermaster Dist No.

day of

October

, 1945

Name of Applicant

12N, 23E.

Big Lost River

SEC.

SEC.

SEC.

(7N, 24E)

Big Lost River

SEC.

SEC.

SEC.

18

19

SEC.

SEC.

SEC.

20

21

SEC.

SEC.

SEC.

Town Line

28

SEC.

SEC.

SEC.

Big Lost River

(7N, 24E)

34

35

36

Harris & Vaught

SEC.

SEC.

SEC.

(6N 25E)

6

7

X