

Affidavit of Publication

G. W. Vincent, Foreman
I, C. A. Bottolfsen, publisher of The Arco Advertiser, a

weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated February 7, 1936 and ending with the issue dated February 14, 1936.

G. W. Vincent

Subscribed and sworn to before me this 7

day of March, 1936.

J. S. Martin
Notary Public.

Residence: Arco, Idaho.

My commission expires 11/27, 1936.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that The Federal Land Bank of Spokane of Spokane, Washington, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 4.8 cubic feet per second of the water of Big Lost River from the land upon which it is now used, i. e. NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5, and SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, all in Township 5 North, Range 26, E. B. M., to the following described tract all that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, Township 5 North, Range 26 East, B. M., lying West of the right of way of the Oregon Short Line Railroad.

And that, on the 26th day of February, A. D. 1936, at 11:00 A. M. at Boise, Idaho 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.

R. W. FARIS,
Commissioner of Reclamation.
(F 7-14-2t)

RECEIVED

MAR 14 1936

DEPARTMENT OF RECLAMATION

MICROFILMED

Present point of diversion
SE 1/4 Sec 14 - 6N.25E

SEC. 14
SEC. 32
Lost River
Three Mile Ditch

Big Lost River
Diversion point
NW 1/4 Sec. 32 - 6-25
Burstead-Johnson-Ditch.

SEC. 5

SEC. 4

SEC.

SECS. 4 & 5 - 5N.26E

Lands From which water is proposed
to be Transferred

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC. 20

SEC. 21

Big Lost River
Proposed point
of diversion
SE 1/4 S.A - 5-26
Moose Canal

Land to which water is proposed to transfer
Fr. 1/2 SW 1/4 Sec. 21 - 5-26

SEC.

SEC.

SEC.

MICROFILMED

Name of Applicant.....

T 5 N., R 26 E., B.M.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.



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APR - 3 1998

Department of Water Resources
Adjudication Bureau

1998 MAR 31 PM 2: 02

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-00405
_____	)	

On February 26, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 34-00405 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 31, 1998.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00405

1998 MAR 31 PM 2:02

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: RANDY R PURSER
RT 1 BOX 120
MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.2 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.43 CFS.
COMBINED RIGHT NOS.: 34-00314, 34-02447A AND 34-10930A.

PRIORITY DATE: 05/01/1898

POINT OF DIVERSION: T06N R25E S14 SENWSE Within BUTTE County

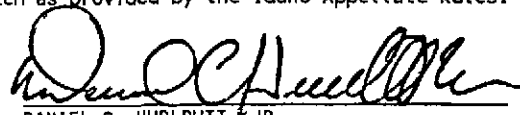
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.2 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County		
	T05N R26E S05	SWNE 3	SENE 5	NESE 39
		SWSE 40	SESE 39	NWSE 40
	166 ACRES TOTAL			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 166 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00314, 34-02447A AND 34-10930A.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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MAR 03 1998

Department of Water Resources

1998 FEB 26 AM 9:57

SRBA
IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 34-00405

On February 26, 1998, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED February 26, 1998.



TERI HRANAC
Deputy Clerk

1998 FEB 26 AM 9: 57

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	FOR WATER RIGHT 34-00405

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 1 (Basin 34) and investigated and abstracted the notices of claim for Reporting Area 1, which includes portions of Custer, Butte, Bonneville and Jefferson counties, State of Idaho. The *Director's Report for Reporting Area 34 (Director's Report)* contained a recommendation or an abstract for the elements of this water right.

An objection was filed by the United States Bureau of Land Management which was subsequently dismissed. *Order Dismissing United States' Objection and Dismissing United States as a Party to Subcase* (Sept. 23, 1997). An *Amended Director's Report* was filed for this water right; however, no objections were filed.

II. CONCLUSIONS OF LAW

The record on file for this subcase, consists of the *Amended Director's Report* to which there was no objection. Pursuant to I.C. § 42-1411(4), the *Director's Report* shall constitute *prima facie* evidence of the nature and extent of the water right. IT IS RECOMMENDED that this water right be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 34-00405*.

DATED: FEB 26 1998



BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00405

1998 FEB 26 AM 9:57

FILED

NAME & ADDRESS: RANDY R PURSER
RT 1 BOX 120
MOORE ID 83255

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 1.2 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.43 CFS.
COMBINED RIGHT NOS.: 34-00314, 34-02447A AND 34-10930A.

PRIORITY DATE: 05/01/1898

POINT OF DIVERSION: T06N R25E S14 SENWSE Within BUTTE County

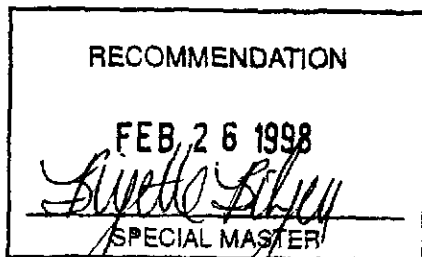
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 1.2 CFS
-------------------------------	------------------------------	------------------------------------	---------------------

PLACE OF USE:	IRRIGATION T05N R26E S05	Within BUTTE County SWNE 3 SWSE 40	SENE 5 SESE 39	NESE 39	NWSE 40
	166 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 166 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00314, 34-02447A AND 34-10930A.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

1998 FEB 26 AM 9:57

FILED
CLERK
J. IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

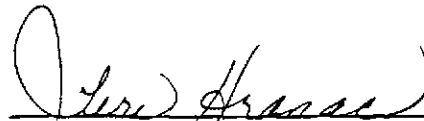
Water Right(s): 34-00405

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 26, 1998, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

RANDY PURSER
ROUTE 1 BOX 120
MOORE, ID 83255
Phone: 208-554-3831



TERI HRANAC
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
02/26/98

• •

This
Right has been
Decreed in the
SRBA.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Jones, Martha A.	1.2 0		34-0405
555	Federal Land Bank of Spokane(1-2)		0	34-0405A
575	Federal Land Bank of Spokane 1.2			34-0405AA

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 555.

THIS IS TO CERTIFY THAT THE FEDERAL LAND BANK of SPOKANE are the owners of and using a certain water right, bearing dates of priority as follows:

June 1, 1884, 1 cubic foot per second
May 1, 1898, 1.2 cubic feet per second
May 1, 1906, 2.6 cubic feet per second

of the waters of BIG LOST RIVER, Counties of Butte and Custer, State of Idaho, decreed to Martha A. Jones, by decree of District Judge E. S. Farrington, of the United States District Court, District of Idaho, Eastern Division, in the case of

THE UTAH CONSTRUCTION COMPANY vs. JOHN F. ABBOTT, et al,

said Decree bearing date of March 15, 1925, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 27, in the County of Butte, State of Idaho, to-wit:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 4, all in Township
5 North, Range 26 East, B. M.

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

THAT THE Said Federal Land Bank of Spokane has become the owner of the said land and water right by foreclosure of a first mortgage thereon.

NOW, UPON THE APPLICATION of the Federal Land Bank of Spokane, for a Transfer of Water Right, made before the Commissioner of Reclamation, of the State of Idaho, and the said application having been granted, the right to the use of 4.8 cubic feet per second of the waters of BIG LOST RIVER, upon the lands above described 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:

All that part of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 21,
Township 5 North, Range 26 East, B. M., lying
West of the right of way of the Oregon Short
Line Railroad,

situate, lying and being in the County of Butte, State of Idaho, said water 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:

4.8 cubic feet per second of the waters of
Big Lost River.

THE WATER RIGHT hereby transferred has heretofore been diverted from the said BIG LOST RIVER at a point in the

SE $\frac{1}{4}$, Section 14, Township 6 North,
Range 25 East, and NW $\frac{1}{4}$, Section 32,
Township 6 North, Range 26 East, B. M.,

and conducted to the first above described lands through the THREE-in-ONE and the BURSTEDT-JOHNSON Ditches, and will hereafter be diverted from the same River in the

SE $\frac{1}{4}$ of Section 4, Township 5 North,
Range 26 East,

and be conducted to the last above described lands through the MOORE CANNEL.

THAT THE LAST Above named lands have no other water right appurtenant to them; and

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 seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 21st day of May, 1936.

R. W. FARIS,
Commissioner of Reclamation

Frederick E. Drager,
Director of Water Resources

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of an Application of)
THE FEDERAL LAND BANK OF SPOKANE)
for a Transfer of water Right, in) ORDER GRANTING TRANSFER
Water District No. 27, Butte County)

WHEREAS, On the 26th day of February, 1936, at the Department of Reclamation, of the State of Idaho, at Boise, Idaho, the matter of the application of THE FEDERAL LAND BANK OF SPOKANE, 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 with the understanding on the part of Butte County that delinquent taxes accrued against the lands from which the water rights are to be removed would be paid by the applicant before the final certificate of transfer is issued, and the evidence filed by the applicant with the said application shows that a greater duty of water would result by reason of the transfer, and that no one would be injured thereby;

THEREFORE, IT IS HEREBY Ordered that the said application be and the same is hereby granted and that a certificate of Transfer of water right be issued to the applicant herein, if and when evidence is submitted to the Department of Reclamation that the delinquent taxes have been paid, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed, at Boise, Idaho, this 18th day of March, 1936.

R. W. Faris,
Commissioner of Reclamation

By _____
Lester C. Walker,
Director of Water Resources

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 575.

THIS IS TO Certify that THE FEDERAL LAND BANK OF SPOKANE, Spokane, Washington, is the owner of and using certain water rights, bearing dates of priority as follows:

1.2 cubic feet per second, with priority of May 1, 1898
2.6 cubic feet per second, with priority of May 1, 1906

of the waters of the BIG LOST RIVER, in the Counties of Butte and Custer, State of Idaho, said water being decreed to Martha A. Jones by decree of E. S. Farrington of the United States District Court, District of Idaho, Eastern Division, in the case of

THE UTAH CONSTRUCTION COMPANY vs. JOHN F. ABBOTT, et al

said decree bearing date of March 15, 1923, which water rights were decreed for the purpose of irrigating certain lands, but by Certificate of Transfer No. 555 of the Department of Reclamation of the State of Idaho, dated May 21st, 1936, were transferred according to the laws of the State of Idaho from the lands to which they were originally decreed and made appurtenant to the following described lands situate, lying and being in Water District No. 27, in the County of Butte, State of Idaho, to-wit:

All that part of the $W\frac{1}{2}$ $SW\frac{1}{4}$ of Section 21, Township 5 North, Range 26 East, B. M. lying West of the right-of-way of the Oregon Short Line Railroad;

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

THAT THE SAID Certificate of Transfer has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 2 of Transfers, at Page 555;

THAT THE SAID Applicant has become the owner of the said land and water rights by foreclosure of first mortgage loan thereon;

THAT NOW, UPON THE Application of The Federal Land Bank of Spokane for a Certificate of Transfer of Water Right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 3.8 cubic feet per second of the waters of the Big Lost River, upon the lands above described, 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:

$NE\frac{1}{4}$ $SE\frac{1}{4}$ and the $S\frac{1}{2}$ $SE\frac{1}{4}$ of Section 5, and the $SW\frac{1}{4}$ $SW\frac{1}{4}$, $S\frac{1}{2}$ $N\frac{1}{2}$ $SW\frac{1}{4}$, and the $SW\frac{1}{4}$ $NE\frac{1}{4}$ of Section 4, all in Township 5 North, Range 26 East, B. M.,

situate, lying and being in the County of Butte, State of Idaho, and said water 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:

1.2 cubic feet per second of the waters of the Big Lost River, with date of priority of May 1, 1898, and

2.6 cubic feet per second of the waters of the Big Lost River, with date of priority of May 1, 1906;

THAT THE WATER RIGHTS, Hereby transferred have heretofore been conducted to the first above described lands through the Moore Canal, having its point of diversion in the

SE $\frac{1}{4}$ of Section 4, Township 5 North, Range 26 East, B. M.;

THAT THE WATER RIGHTS, Hereby transferred will hereafter be conducted to the new place of use through the Three-in-one and Burstedt-Johnson Ditches, having their points of diversion in the

NW $\frac{1}{4}$ of Section 32, Township 6 North, Range 26 East, B. M.
and in the

SE $\frac{1}{4}$ of Section 4, Township 5 North, Range 26 East, B. M.;

THAT THE LANDS To which these water rights are being transferred by this Certificate have appurtenant to them no other water rights, all rights having been transferred away from the land;

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 seal of the Department of Reclamation of the State of Idaho, to be affixed at Boise, Idaho, this 23rd day of March, 1937.

R. W. FARIS
Commissioner of Reclamation

By

Paul L. Henry
Deputy Commissioner of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the matter of the application of	)	
	)	
THE FEDERAL LAND BANK OF SPOKANE,	)	ORDER GRANTING TRANSFER
Spokane, Washington	)	
	)	
For a Transfer of Water Right in	)	
Water District No. 27, County of Butte.	)	

WHEREAS, On the 6th day of January, 1937, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of THE FEDERAL LAND BANK OF SPOKANE for a Transfer of Water Rights came on regularly for hearing, pursuant to the published notice, in the 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 this transfer is necessary to provide the purchaser of the land to which the applicant seeks to transfer these water rights with a water right which the purchaser of such land believed to be appurtenant to such land at the time he entered into a purchase contract therefor with the applicant herein, and that no one would 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 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 seal of the Department of Reclamation of the State of Idaho to be affixed, at Boise, Idaho, this 23rd day of March, 1937.

R. W. FARIS
Commissioner of Reclamation

By

Paul L. Henry
Deputy Commissioner of Reclamation

IN EQUITY NO. 222

DECREE

IN THE UNITED STATES DISTRICT COURT, IN

AND FOR THE DISTRICT OF IDAHO, EASTERN

DIVISION

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

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

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

Robert Johnson

1896-June 1 ✓ 34 0400 0.0125 c.f.s.

No. 249

C. C. JONES

1896-June 1 ✓ 34 0401 0.004 c.f.s.

No. 255 (250)

Harvey D. Jones

1896-June 1 ✓ 34 0402 0.005 c.f.s.

No. 251

Martha A. Jones

(Formerly Martha J. Stoddard
and so named in plaintiff's amended
complaint herein.)

(a) 1884-June 1 ✓ 34 0403 0.8 c.f.s.
(b) 1884-June 1 ✓ 34 0404 0.2 c.f.s.
- 1898-May 1 ✓ 34 0405 1.2 c.f.s.
- 1906-May 1 ✓ 34 0406 2.6 c.f.s.

1.0-6-1-84 Trans 555

1.2-5-1-98 " } Trans 575 back to

2.6-5-1-06 " }

2.6-5-1-06 Trans 748

(c) 1896-June 1 ✓ 34 0407 0.68 c.f.s.

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:

Lots 16 to 20, inclusive, of Block 8 and Lots 15 to 18, inclusive, of Block 9 of the Town of Moore, County of Butte, State of Idaho.

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:

Lots 1 to 4 inclusive of block 5 of the Townsite of Moore in the County of Butte, State of Idaho.

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:

Lots 16 to 20 inclusive of Block 20 of the Townsite of Moore in the County of Butte, State of Idaho.

To be diverted from Big Lost River through the Bursted-Johnson ditch having its point of diversion in the Northwest quarter of Section 32, Township 6 North, Range 26 East, B. M.

To be diverted from Big Lost River through the Three-in-One ditch having its point of diversion in the Southeast quarter of Section 14, Township 6 North, Range 25 East, B. M.

All for the irrigation of the following described land, to-wit:

The South half of the North half of the Southwest quarter, Southwest quarter of the Southwest quarter and the Southwest quarter of the Northeast quarter of Section 4, and the Southwest quarter of the Southeast quarter and the East half of the Southeast quarter of Section 5, all in Township 5 North, Range 26 East, B. M., and

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:

● ●

This
Right has been
Decreed in the
SRBA.

Spokane No. 555

June 5, 1936

Mr. SHERMAN B. GREEN
Engineer-Appraiser
Federal Land Bank
Spokane, Washington

Dear Mr. Green:

Your letter of June 2 at hand. The Certificate of Transfer of Water Rights referred to in your letter was sent to Mr. ROY W. THOMPSON, Water Commissioner, at Mackay, Idaho, on May 22, 1936. We sent two copies of the above mentioned certificate to Mr. Thompson, asking that he retain one copy for his files and forward the other copy to you.

In answer to your question, in the letter, I will say that this Certificate fully completes the Transfer of Water Rights from the Stoddard to the Vance property, in the Big Lost River Irrigation District.

I would suggest that you get in touch with the Water Commissioner, Mr. Roy Thompson, concerning this certificate.

Yours very truly,

Frederick E. Drager,
Director of Water Resources

FED/ci

RECEIVED

THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION
TWELFTH DISTRICT
IDAHO, MONTANA, OREGON AND WASHINGTON

SPOKANE, WASHINGTON

June 2, 1936

610 MAIN AVENUE
PHONE RIV 7141

Mr. Lester C. Walker,
Director of Water Resources
Department of Reclamation
State Capitol Building
Boise, Idaho

Re: Big Lost River Irrig. Dist.
#15589 Stoddard
#13004 Vance

Dear Mr. Walker:

Do I understand it correctly that a formal Certificate of Transfer is yet to be received from the Commissioner of Reclamation before the transfer of water rights from the Stoddard to the Vance property in Big Lost River Irrigation District is fully completed? I hope that my letter of April 28 enclosing a statement of tax payments on the Stoddard property was acceptable; and if a formal Certificate of Transfer is required to show the accomplished fact, we receive it at your early convenience, in order that the property may be eligible for sale.

Very truly yours,

SBG:fb

Sherman B. Green
Sherman B. Green
Engineer Appraiser

Trans # 55

May 22, 1936

Mr. ROY W. THOMPSON
Water Commissioner
Mackay, Idaho

Dear Sir:

We are enclosing herewith two copies of a Certificate of Transfer of Water Right, issued to the Federal Land Bank of Spokane, in the amount of 4.8 cubic feet per second of the waters of Big Lost River. One copy of this certificate is for the files of the water-master and the other copy is to be forwarded to the Federal Land Bank.

We are also enclosing a receipt in the amount of one dollar, (\$1.00), for the payment for this Certificate. As you will probably remember, we have received a check from the Federal Land Bank in the sum of four dollars (\$4.00), to cover payment on four (4) separate transfers, but as yet, the other transfers have not been filed with us.

We will hold the additional \$3.00 until we hear further from you or the Federal Land Bank.

Yours very truly,

Frederick E. Drager,
Director of Water Resources

Enc.
ci

RECORDED

Trans. 555

May 4, 1936

COUNTY TREASURER
Butte County
Arco, Idaho

Dear Madam:

We have at hand a letter from the Federal Land Bank of Spokane, dated April 28, stating that they have possession of tax receipts for all outstanding general taxes on the STODDARD FARM, from which they desire to transfer water rights. This land is described as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5; SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 5 North, Range 26
East, B. M.

As a matter of formality, would you kindly furnish this Department with proof of payment of these taxes so that we may clear up this Transfer of Water Right.

Yours very truly,

Director of Water Resources

ci

RECEIVED



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
R. W. FARIS, COMMISSIONER
BOISE

BUREAU OF WATER RESOURCES
LESTER C. WALKER
DIRECTOR

C. BEN ROSS, GOVERNOR

May 4, 1936

COUNTY TREASURER
Butte County
Arco, Idaho

Dear Madam:

We have at hand a letter from the Federal Land Bank of Spokane, dated April 23, stating that they have possession of tax receipts for all outstanding general taxes on the STODDARD FARM, from which they desire to transfer water rights. This land is described as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5; SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 5 North, Range 26 East, B. M.

As a matter of formality, would you kindly furnish this Department with proof of payment of these taxes so that we may clear up this Transfer of Water Right?

Yours very truly,

Frederick E. Dinger

Director of Water Resources

ci

They have paid all of the delinquent taxes and the first half of the 1935 taxes. Of course, the last half of the 1935 taxes amounting to \$46.57 will not be due until the fourth Monday in June, and I do not know whether we could hold them for that or not.

Lester C. Walker
Treas.

THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION
TWELFTH DISTRICT
IDAHO, MONTANA, OREGON, AND WASHINGTON

SPOKANE, WASHINGTON

April 28, 1936

610 MAIN AVENUE
PHONE RIV 7141

Mr. Lester C. Walker,
Director of Water Resources
Department of Reclamation
State Capitol Building
Boise, Idaho

Re: Big Lost River Irrig. Dist.
#15589 Stoddard
#13004 Vance

Dear Mr. Walker:

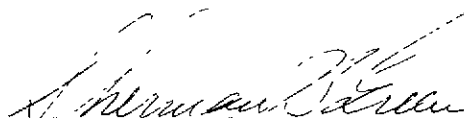
We have at last received tax receipts evidencing payment of all outstanding general taxes on the Stoddard farm from which we are transferring water rights, according to the application pending in your office.

Inasmuch as these tax receipts are an original record of disbursement, access to which may be demanded by our examiners at any time, we should prefer not to remove them from our files, even temporarily, for your perusal if it can be avoided. To that end, Tax Adjuster Mr. DeYoung has prepared a certificate showing possession of and describing these tax receipts, which we hope will suffice for your record. In case this method of proving payment is not satisfactory, I will either secure a statement from the County Tax Collector or some special permission to forward our original receipts, although I trust the latter will not be necessary.

If the statutory requirements have been met, we shall expect to receive the Commissioner's Certificate of Transfer in due course. Please accept our thanks again for your cooperation in this matter.

Very truly yours,

SBG:fb


Sherman B. Green
Engineer Appraiser

April 28, 1936

I, H. DeYoung, Tax Adjuster of the Federal Land Bank of Spokane, hereby certify:

That on March 25, 1936, I did mail to the County Treasurer of Butte County, Idaho, Federal Land Bank draft in the sum of \$447.62 in payment of taxes as listed below, assessed against the following described land:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, T 5 N, R 26, EBM.

	<u>Taxes Paid</u>	
1932 General Taxes	\$108.34	Penalty and Interest to 4-1-36
1933 General Taxes	145.32	Penalty and Interest to 4-1-36
1934 General Taxes	145.28	Penalty and Interest to 4-1-36
1935 General Taxes First Half	48.68	Penalty and Interest to 4-1-36
	<u>\$447.62</u>	

Tax receipts evidencing such payment and signed by J. McCowen, Tax Collector of Butte County, Idaho, have been received by and are in possession of the Federal Land Bank of Spokane, as follows to wit:

<u>Tax Receipt No.</u>	<u>Year</u>	<u>Amount</u>
476	1932	\$108.34
531	1933	145.32
488	1934	145.28
506 First Half	1935	48.68

That no general taxes assessed by Butte County, Idaho, against the above described land remain unpaid .


H. DeYoung,
Tax Adjuster

555

March 17, 1936

Mr. SHERMAN B. GREEN
Federal Land Bank of Spokane
Spokane, Washington

Dear Sir:

We received from you the proof of publication for your application for Transfer of Water Right.

We are enclosing herewith copy of our order granting the transfer, under condition that delinquent taxes on the land from which the water is taken be paid.

We are sending a copy of this Order and of this letter to Mr. I. W. BOYER, Clerk, Board of County Commissioners of Butte County. Certificate of Transfer will be issued whenever the County Officials of Butte County advise us that the taxes have been paid.

Yours very truly,

Lester C. Walker,
Director of Water Resources

LCW/ci

cc/ I. W. Boyer,
Arco, Idaho

UNRECORDED

THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION
TWELFTH DISTRICT
IDAHO, MONTANA, OREGON, AND WASHINGTON

SPOKANE, WASHINGTON

March 12, 1936

610 MAIN AVENUE
PHONE RIV 7141

Mr. Lester C. Walker,
Director of Water Resources
Department of Reclamation
State Capitol Building
Boise, Idaho

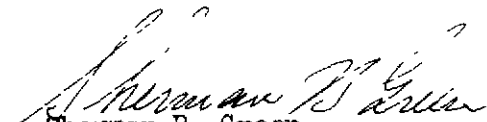
Re: Big Lost River Irr. Dist.
#15583 Stoddard
#13004 Vance

Dear Mr. Walker:

We have received the Proof of Publication of our application for transfer of water right and forward it herewith.

I have checked the Publication as to description, and I believe it to be in proper order.

Very truly yours,


Sherman B. Green
Engineer Appraiser

SBG:fb
Enc.

CC: Arco Advertiser
Arco, Idaho



Handwritten note:
Lester C. Walker

Address all Communications to The Federal Land Bank of Spokane

Affidavit of Publication

I, G. W. Vincent, Foreman
C. A. Bottolfson, publisher of The Arco Advertiser, a

weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated February 7, 1936 and ending with the issue dated February 14, 1936.

G. W. Vincent

Subscribed and sworn to before me this 9
day of March, 1936

J. J. Martin
Notary Public.

Residence: Arco, Idaho.

My commission expires 10/27, 1938

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that The Federal Land Bank of Spokane of Spokane, Washington, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 4.8 cubic feet per second of the water of Big Lost River from the land upon which it is now used, i. e. NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5, and SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, all in Township 5 North, Range 26, E. B. M., to the following described tract all that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, Township 5 North, Range 26 East, B. M., lying West of the right of way of the Oregon Short Line Railroad.

And that, on the 26th day of February, A. D. 1936, at 11:00 A. M. at Boise, Idaho 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.

R. W. FARIS,
Commissioner of Reclamation.
(F 7-14-2t)

March 4, 1936

Arco Advertiser
Arco, Idaho

Re: #15589 - Stoddard
#13004 - Vance

Gentlemen:

We have not as yet received Proof of Publication of "Notice of Proposed Transfer of Water Right" sent you by the Commissioner of Reclamation in the early part of February.

We were expected to receive the proof of the notice and forward it to the Commissioner in time for a hearing upon the transfer held the 26th of February.

It is possible that the proof was addressed to us but miscarried; in any case, we shall appreciate having it so that the matter may proceed before the Commissioner. Please address the Federal Land Bank in my care, so that I will receive it without unnecessary delay.

Very truly yours,

SBC:fb	Sherman R. Green
CC:Lester C. Walker,	Engineer Appraiser
Director of Water Resources	
Boise, Idaho	

RECORDED

W J LAMME

PROSECUTING ATTORNEY BUTTE COUNTY

ARCO, IDAHO

February 29, 1936.

Department of Reclamation,
Boise, Idaho.

Mr. Lester C. Walker:

Relative to your letter of the 15th inst. in reference to my protest against the transfer of a certain water right on the part of the Federal Land Bank, of Spokane; after taking the matter up with Mr. Boyer and the Board of County Commissioners and in view of the agreement of the Federal Land Bank agreeing to pay taxes in the event transfer of water is granted, and your statement in your letter to me that, "if no protests were received we would issue an order, subsequent to the date set for hearing, granting the transfer, but withholding issuance of a certificate of transfer until such time as the County Commissioners advise us that satisfactory arrangements have been made concerning the payment of delinquent taxes."

All of the foregoing arrangements are perfectly satisfactory to the Board of County Comm'rs and myself, therefore, I wish to withdraw any and all protests entered by myself on behalf of the Board of County Commissioners or otherwise.

Yours very truly,

A handwritten signature in cursive script, appearing to read "W. J. Lamme". The signature is written in dark ink and is positioned below the typed name "W J LAMME" at the top of the page.

RECORDED

Green, 555

February 28, 1936

THE FEDERAL LAND BANK OF SPOKANE
Spokane, Washington

Attention: Mr. SHERMAN B. GREEN

Dear Sir:

No protests having been filed, an Order to issue a Certificate of Transfer upon the application could have been made on February 20, but for the fact that affidavit of publication had not been received. This affidavit has not yet been received at this time.

Whenever you will forward this affidavit to us, we will issue an Order for the Transfer, Certificate of Transfer not to be issued until such time as delinquent taxes are settled for.

Yours very truly,

Lester C. Walker,
Director of Water Resources

LCK/ci

MAILED

555

February 21, 1936

Mr. SHERMAN B. GREEN
Federal Land Bank of Spokane
Spokane, Washington

Dear Sir:

We sent you a copy of our letter of February 15, which was addressed to Mr. W. J. LAMME, Prosecuting Attorney, at Arco, Idaho. We are today in receipt of a letter from Mr. Lamme in which he withdraws the protest to which I referred in that letter.

This probably will leave the way clear for handling your Transfer.

Yours very truly,

Lester C. Walker,
Director of Water Resources

Lcw/pl

MICROFILMED

THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION
TWELFTH DISTRICT
IDAHO, MONTANA, OREGON, AND WASHINGTON

SPOKANE, WASHINGTON

February 21, 1936

610 MAIN AVENUE
PHONE RIV 7141

RECEIVED

FEB 24 1936

Department of Reclamation

Mr. Lester C. Walker,
Director of Water Resources
Department of Reclamation
State Capitol Building
Boise, Idaho

Dear Mr. Walker:

I thank you for the copies of correspondence you have had with Mr. Boyer, County Clerk, and Mr. Lamme, Prosecuting Attorney, concerning the protest filed by the latter against the transfer of water from the Stoddard farm in Butte County, application for which we have filed with your department.

Mr. Lamme's action must have occurred through misunderstanding, and I have no doubt that he will withdraw his protest. If he does not, however, it may yet be possible to work out a procedure by which we may have the tacit assurance that the transfer will not be opposed by your department, after which we can make a new arrangement with the County. This, of course, should not be necessary since the matter was well understood with the County Board, as evidenced by their endorsement in my letter promising to pay the taxes.

Referring further to points of diversion of the Three-in-One and Burstedt-Johnson ditches mentioned in the application, a copy we have received of Mr. Thompson's letter to you dated February 17th indicates that a correction is in order. I see no reason why the correction cannot be made informally by you, but if you feel any hesitancy in doing so, please return the application to me for correction, and I will see that it is returned prior to the date of hearing, February 26th. Please accept our renewed thanks for the prompt and thorough attention you have given this matter.

Very truly yours,

Sherman E. Green
Sherman E. Green
Engineer Appraiser

SBG:fb

Address all Communications to The Federal Land Bank of Spokane

ROY W. THOMPSON

WATER COMMISSIONER FOR
BIG LOST RIVER

MACKAY, IDAHO

February 17, 1936.

RECEIVED

Mr. Lester C. Walker,
Director of Water Resources
Department of Reclamation
State Capitol Building
Boise, Idaho.

Dear Mr. Walker:

I am writing you relative to a copy of a letter dated February 13, 1936, addressed to you, written by Sherman B. Green, Engineer Appraiser of the Federal Land Bank.

I refer from this letter that a discrepancy must have occurred in the application of transfer relative to the point of diversion of the Burstedt-Johnson Ditch. I have no copy in this office as to the location of the point of diversion, as stated in the application. The correct point of diversion of the Burstedt-Johnson Ditch is in the NW $\frac{1}{4}$ Sec. 32 T.6N R.26E. The Three-in-one Ditch point of diversion is in SE $\frac{1}{4}$ Sec. 14, 6N 25E, and the point of diversion of the Moore Canal is in the SE $\frac{1}{4}$ Sec. 4, 5N 26E.

Providing a mistake was made in stating the point of diversion of the Burstedt-Johnson Ditch in the application, I hope this will clarify the situation.

CC: Sherman B. Green

Very truly yours,

Ray W. Thompson
Water Commissioner,
Big Lost River.

RECORDED

555

February 15, 1936

Mr. W. J. LAMBE
Prosecuting Attorney
Arco, Idaho

Dear Sir:

We have your letter of February 12, lodging a protest against the proposed transfer of water right on the part of the FEDERAL LAND BANK, of Spokane.

Mr. Green, of the Federal Land Bank, advised us prior to the time the application for transfer was filed that arrangements would be made with the County Commissioners so as to avoid the filing of a protest on their part. He stated that the Federal Land Bank expected to pay the delinquent taxes in case the transfer were granted.

On February 13, we received a letter from Mr. Boyer, Clerk of the Board of County Commissioners, in which he enclosed a carbon copy of a letter from the Federal Land Bank and addressed to the Board of County Commissioners; on this carbon copy Mr. Boyer has appended a notation to the effect that it was agreeable with the Board of County Commissioners to handle the matter in the manner outlined by the Federal Land Bank and that the County Commissioners would not protest the transfer. We wrote to Mr. Boyer on February 14, acknowledging receipt of his letter and advising him that if no protests were received, we would issue an order, subsequent to the date set for the hearing, granting the transfer, but withholding the issuance of a certificate of transfer until such time as the County Commissioners advise us that satisfactory arrangements have been made concerning the payment of delinquent taxes.

I am wondering if you are familiar with this action on the part of the County Commissioners, and know of the letter written to us by Mr. Boyer.

We would suggest that you take this matter up with Mr. Boyer and if you find that it is the intent of the County Commissioners to handle the matter as outlined by Mr. Boyer, we would then suggest that you withdraw the protest which you have filed. We had it in mind that this plan, which we had worked out, would be entirely satisfactory to you and all parties concerned, in that it would eliminate the necessity of any protests being filed by the County and at the same time, would assure them that the delinquent taxes would be paid prior to the issuance of a Certificate of Transfer. Necessarily, we must consider your letter of February 14 as a formal protest and unless it is withdrawn, it would necessitate our holding a hearing.

Yours very truly,

LCW/ci
cc/ I. W. Boyer, Arco
Federal Land Bank, Spokane

Letter C. Baker,
Director of Water Resources

THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION

TWELFTH DISTRICT
IDAHO MONTANA OREGON, AND WASHINGTON

SPOKANE, WASHINGTON

LEGAL DEPARTMENT

615 MAIN AVENUE
PHONE 411-7141

TO WHOM IT MAY CONCERN:

This is to certify that The Federal Land Bank of
Spokane is the owner, free and clear of all encumbrances
except taxes, of the following described property:

The Northeast Quarter of the Southeast Quarter,
the South Half of the Southeast Quarter of
Section Five and the Southwest Quarter of the
Southwest Quarter, the South Half of the North
Half of the Southwest Quarter and the Southwest
Quarter of the Northeast Quarter of Section Four,
all in Township Five North of Range Twenty-six,
East of the Boise Meridian.

Dated this 12th day of February, 1936.

THE FEDERAL LAND BANK OF SPOKANE

By W. B. [Signature]
Vice-President

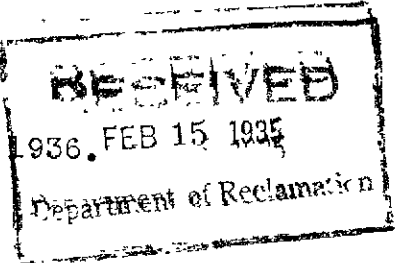
ATTEST:

[Signature]
Assistant Secretary

OK
a.o.

W. J. LAMME
PROSECUTING ATTORNEY BUTTE COUNTY
ARCO IDAHO

Febr. 14, 1936. FEB 15 1936



Department of Reclamation,
Boise, Idaho.

Gentlemen:

It appears from Notice of Proposed Transfer of Water Right, as published in the Arco Avertiser of Arco, Idaho, that the Federal Land Bank of Spokane, Wash. has applied to the Commissioner of Reclamation for a certificate authorizing it to transfer the use of 4.8 cubic feet per second of the water of Big Lost River from the land upon which it is now used, i.e. NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 5, and S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, all in Twp. 5 N. R. 26 E.B.M., to the following described tract, all that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 21, Twp. 5 N. R. 26 E. B.M. lying West of the right of way of the Oregon Short Line Railroad; which hearing is set on the 26th day of Febr. 1936.

due

There is now/and unpaid to the County Treasurer of Butte County, Idaho, on the foregoing first described land and the water right appurtenant thereto, to wit; said 4.8 C.F.S. the sum of \$493.42 delinquent taxes, which the said Federal Land Bank has neglected to pay.

If the foregoing taxes are not paid on or before the said 26th day of Febr. 1936, we wish to lodge a protest against the transfer of the use of the foregoing described water right, otherwise, we have no objection.

My understanding was to the effect that the Fed. Land Bank, through its agent, agreed to pay the foregoing tax, provided they could secure the above transfer of water, but the board of county commissioners have no such recollection, hence have instructed me to take this matter up with you department, and lodge an objection to the transfer, unless taxes are paid.

Yours very truly,

W. J. Lamme
Prosecuting Atty, Butte Co., Ida.

c. c. to F. L. B. S.

RECORDED

555
February 13, 1936

Mr. I. W. BOYER
Clark, Board of County Commissioners
Arco, Idaho

Dear Sir:

We are in receipt of your letter of February 11, transmitting a copy of the letter from the Federal Land Bank, of Spokane, upon which you have appended a notation to the effect that the County Commissioners of Butte County are agreeable to the granting of a transfer of water right to the Federal Land Bank, upon certain stipulations relative to delinquent taxes.

Assuming that no protests are received, we will issue an order subsequent to the date set for hearing, granting the transfer but withholding issuance of a certificate of transfer until such time as the County Commissioners advise us that satisfactory arrangements have been made concerning the payment of delinquent taxes on the Stoddard Farm.

Yours very truly,

Lester C. Walker,
Director of Water Resources

LCW/si

cc/Federal Land Bank,
Spokane, Washington.

RECORDED

THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION
TWELFTH DISTRICT
IDAHO, MONTANA, OREGON, AND WASHINGTON

SPOKANE, WASHINGTON

February 13, 1936

610 MAIN AVENUE
PHONE RIV 7141

Mr. Lester C. Walker,
Director of Water Resources
Department of Reclamation
State Capitol Building
Boise, Idaho

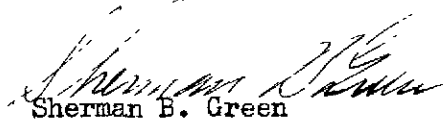
Dear Mr. Walker:

We wish to thank you for your prompt action on our application for transfer of water rights on the Big Lost River Irrigation District.

I am enclosing a certificate regarding ownership and freedom from encumbrance of the so-called Stoddard farm, from which we are seeking to transfer water rights. This is in response to your letter of February 4th, and I trust will meet the requirements stated in the last sentence of that letter.

The points of diversion of the Three-in-One and the Burstedt-Johnson ditches mentioned in the application for transfer were supplied by Mr. Thompson. I have referred to a certified copy of the decree and confirm the discrepancy mentioned in your letter. I have no way of knowing whether the points of diversion of these ditches have been changed in improving the distribution system, but imagine that this may be the case. At any rate, I am inclined to believe the points of diversion supplied in the application by Mr. Thompson are correct. I am sending a copy of this letter to him, in order that he may check whether the Burstedt-Johnson ditch diverts in the Southeast Quarter of Section 4, Township 5 North, Range 26 East, as stated in the application, or whether the proper description is the same quarter of Section 14 of that Township and Range, as stated in the decree, so that he may inform you if the application requires correction.

Very truly yours,


Sherman B. Green
Engineer Appraiser

SBG:fb
CC: Roy Thompson

INDEXED

BUTTE COUNTY

State of Idaho

OFFICE OF
CLERK OF THE DISTRICT COURT

EX OFFICIO
AUDITOR AND RECORDER

Arco, Idaho

I. W. BOYER, CLERK

February 11th, 1936.

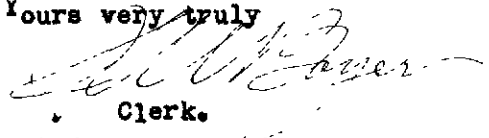
R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Enclosed find copy of letter and approval signed by the
writer hereof as Clerk of the Board of County Commissioners which
is self explanatory.

The Commissioners authorized this at their meeting yesterday.

Yours very truly


Clerk.

RECEIVED

FEB 18 1936

Department of Reclamation

January 30, 1936

The Hon. Board of County Commissioners
Butte County
Arco, Idaho

Re: 15582 Stoddard
13004 Vance

Gentlemen:

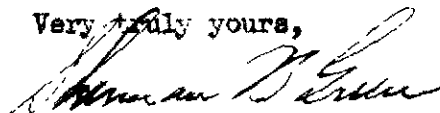
Referring further to the transfer of water rights on property owned by this institution in the Big Lost River Irrigation District, which was discussed with you during my visit in Arco early this month:

It is our intention to apply immediately to the Commissioner of Reclamation for transfer of all water rights now appurtenant to the Martha Jones Stoddard farm, and to have such water made appurtenant to the Sherman Vance property. Conforming to my understanding with your Board, all delinquent taxes against the Stoddard farm, amounting to about \$490 and embracing the years 1932-1935 inclusive, will be paid if the proposed transfer of water is approved by the Commissioner of Reclamation.

We are requesting the Commissioner to approve such transfer, but not to issue final certificate of transfer until we have had opportunity to pay these taxes.

If this procedure meets the approval of your Board, may I ask that the endorsement of the Board showing such approval be appended to the entire copy of this letter enclosed for that purpose and forwarded immediately to the Commissioner of Reclamation at Boise, as evidence to him that you will not protest such transfer.

Very truly yours,



Sherman B. Green
Engineer Appraiser

SBG:fb

RECEIVED

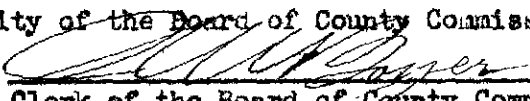
FEB 13 1936

Department of Reclamation

Arco, Idaho, February 10th 1936.

Upon the above understanding concerning payment of taxes, the Board of County Commissioners of Butte County, Idaho, will not protest the transfer of water rights from the Stoddard farm. This certificate is made upon the authority of the Board of County Commissioners.

Attest:


Clerk of the Board of County Commissioners

555

February 4, 1936

THE FEDERAL LAND BANK OF SPOKANE

Spokane, Washington

Attention: **SHERMAN B. GREENE,**
Engineer-Appraiser

Dear Sir:

We have today received from Mr. Roy Thompson, of Mackay, Idaho, your application for Transfer of Water Right, from your No. 15589, Stoddard, to your No. 13004, Vance. Attached to the application was your check in the sum of four dollars (\$4.00); also a copy of your letter under date of January 30, 1936, addressed to Mr. Thompson.

We have examined the application and find that it is substantially correct. We note that you described the decree as having been entered by Judge H. S. Farrington, and bearing date of March 15, 1923. As a matter of fact, the decree was finally signed by Judge Dietrich on October 21, 1925. This error is not material, as the identity of the decree is clear. In describing the points of diversion for the "J" in 1st ditch and the "Burstedt-Johnson" ditch, you have Section 4, Township 5 North, Range 36 East, while the decree reads Section 14. I assume that probably the error is in the decree itself, and that your description is correct. This discrepancy is not material but it might be advisable to clear it up before the certificate is issued.

We have set February 26 as the date for the hearing on this application and enclose herewith a copy of our letter to the Area Advertiser and a copy of the notice which is to be published. It is our thought that this will reach Area in time for publication to be made this week and next week, which should allow ample time for proof of publication to be sent to you and then forwarded to us, prior to February 26.

I note what you say in your letter to Mr. Thompson relative to pledge in payment of taxes on the Stoddard farm and thus suggest that the payment is to be made prior to the final issuance of certificate of transfer by this office. I believe that this will be an entirely satisfactory method of handling the matter and in the absence of any protest or further information we shall, on the date set for the hearing, enter an order that the certificate of transfer will be issued upon notification from the County Commissioners that satisfactory arrangements have been made relative to delinquent taxes. In the meantime, we would appreciate a statement from the Federal Land Bank to the effect that there is, at the present time, no outstanding mortgages against the land from which you are taking the water.

Yours very truly,

Lester G. Walker,
Director of Water Resources

LGW:ei
Encl.

Section 14 is correct as
letter of Roy Thompson

RECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date February 4, 1936

THE AFCO ADVERTISER

ARCO, IDAHO

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to February 22, 1936, the date set for proof, the expense of the publication to be paid by the applicant. ~~THE FEDERAL LAND BANK OF SPRINGFIELD SPRINGFIELD, MASS.~~

to whom you should furnish proof of publication on or prior to ~~the date, set~~ ^{February 2, 1956} for proof.

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

Very truly yours,

A. J. A. J.

Commissioner of Reclamation

Director of Water Resources

It is anticipated that you will receive it in time so that publication may be had during the weeks ending February 5th and February 15th, which will give ample time for proof of publication to be sent to Spokane and returned from there to Boise before February 26th.

Notice of Proposed Transfer of Water Right

Notice is hereby given that THE FEDERAL LAND BANK OF SPOKANE of SPOKANE,
WASHINGTON, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 4.3 cubic feet per second
 of the water of BIG LOST RIVER
 from the land upon which it is now used, i. e. NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5, and SW $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, all in Township 5 North, Range 26, E. B. M.,
 to the following described tract all that part of the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, Township
5 North, Range 26 East, E. B. M., lying West of the right of way of the Oregon Short
Line Railroad.

And that, on the 26th day of February, A. D.
1923, at 11:00 A. M. at Boise, Idaho
 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.

E. W. FARIS

Commissioner of Reclamation.

RECORDED
 1923 FEB 27 11:00 A.M.

January 30, 1936

Mr. Roy W. Thompson, Watermaster
Mackay, Idaho

Re: 15589 Stoddard
12004 Vance

Dear Mr. Thompson:

Thanks for your prompt reply to my inquiry concerning the Stoddard water right.

Since all of the water is appurtenant to all of the land indivisibly, there would be no economy to us in transferring only the early water, since we would have to pay delinquent taxes on the entire place anyhow. The application for transfer as we revised it in your office is therefor in proper form and should go forward to the Commissioner of Reclamation for action.

As I mentioned in the Reclamation office during my stop in Boise that we might want to revise the application again, I am enclosing an extra copy of this letter for you to forward with the application, in order that the Reclamation Department may know that it is in proper order as far as we are concerned and that we desire them to proceed.

I am writing the County Commissioners at Arco today pledging the payment of taxes on the Stoddard farm, if transfer of water therefrom is approved by the Commissioner of Reclamation, such payment to be made before the transfer is entered of final record by the Commissioner of Reclamation. This is in line with my understanding with the County Commissioners, and I believe will remove any occasion for protest on their part.

Thanks again for your kind cooperation in this matter.

Very truly yours,

SBG:fb

Sherman E. Green
Engineer Appraiser

RECORDED

ROY W. THOMPSON

WATER COMMISSIONER FOR
BIG LOST RIVER

MACKAY, IDAHO

January 14 1936

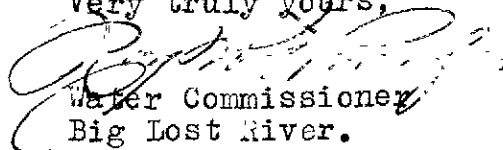
Mr. R.W. Faris
Commissioner,
Department of Reclamation.
Boise, Idaho.

Dear Mr. Faris:

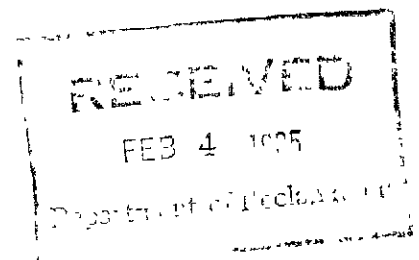
I am transmitting herewith an application, of transfer
of water rights, from the Federal Land Bank.

The attached check was forwarded to cover payment of
the filing of four separate transfers, however the other
three transfers are held up for futher consideration.
The Bank requested that you hold the full amount of the
check for payment of subsequent applications which will
follow.

Very truly yours,


Water Commissioner
Big Lost River.

Trans No. 555



555

Form 20.

Application For Transfer of Water Right

RECEIVED

FEB 4 1935

Department of Reclamation

STATE OF ~~IDAHO~~ WASHINGTON

County of SPOKANE

ss.

O. H. Junod

being first duly sworn, deposes and says.

That his name is O. H. Junod; that he is of lawful age, a citizen of the United States and of the State of ~~Idaho~~ Washington, and that his postoffice address is 610 Main Avenue, Spokane, Washington.

That he is the Vice President and Treasurer of the Federal Land Bank of Spokane and that he is duly authorized to make this affidavit and petition, for and on behalf of said corporation.

That the Federal Land Bank of Spokane is the owner and using a certain water right, bearing dates of priority of June 1, 1884 for 1; May 1, 1898 for 1.2; and May 1, 1906 for 2.6 cubic feet per second of the waters of Big Lost River in the Counties of Custer and Butte, State of Idaho, decreed to Martha A. Jones by decree of Judge E. S. Farrington of the U. S. District Court, District of Idaho, Eastern Division, in the case of designated Equity No. 222 vs. The Utah Construction Co. said decree bearing date of March 15, 1923,

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

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5 and SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, all in Township 5 North, Range 26 E., B. M.

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. foreclosure of first mortgage loan on land and water rights

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 Northwest quarter of Section Thirty two (32) 6 North 26 East, Township 5 North, Range 26 East, B. M., and conducted to the above described lands through the 3 in 1 Ditch and Burstedt-Johnson Ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 4.8 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Butte and State of Idaho, to-wit:

All that part of the West Half of the Southwest Quarter of Section Twenty-one, Township Five North, Range Twenty Six East., B.M. lying West of the right of way of the Oregon Short Line Railroad.

That his reasons for desiring to make such transfer are as follows: Difficulty of water delivery to the land first above described and insufficiency of present supply to land last above described. It is desired to transfer natural flow right only, without storage right.

That he intends to divert and convey said 4.8 second ~~foot~~ of water to the tract of land last above described in the following manner, to-wit: Through facilities of the Big Lost River Irrigation District and the Moore Canal Company.

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.

O. H. [Signature]
Vice-President-Treasurer of Applicant.

Subscribed and sworn to before me this 31st day of December

A. D. 1935
Jack [Signature] Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Big Lost River

Where is the diversion point located? SE¹ 14 6 25 Sec. 4. E.N. 26.E. & NW¹ Sec. 32. 6.N. 26 E.

Through what ditch is it now conducted? 3 in 1 and Burstedt-Johnson

How much land is now irrigated by the water sought to be transferred? 240 acres, nominally

Give the description: Described above.

What is the total amount of water in inches, or second feet, dedicated to said land? 4.8 second feet.

What kind of crops are being raised? Hay and grain - very poor.

How much water per acre is now required to irrigate said land? More than available.

What will be the effect on the land now irrigated, if the use of water on it is discontinued? It will continue to be non-productive.

Give location of new point of diversion, if change is to be made SE¹ Sec. 4. 5.N. 26.E.

Through what ditch will it be conducted after transfer? Moore Canal.

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

Estimated requirement, 3.5 A.F. per acre, net delivery to land.

Do you claim any other water right for the land from which you seek to abandon the use of this water? No other natural flow rights, except as specified above, nor are any special nor regular storage rights desired for the water right to be transferred or that remaining on the land from which 4.8 second foot is to be transferred.

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 58.5 inches from Big Lost River, priority 1896, together with regular and special storage rights for 59 acres (or inches) in Mackay Reservoir.

Signed THE FEDERAL LAND BANK OF SPOKANE
By [Signature] Applicant.
Vice President-Treasurer.

Page 94 Blank
File #439

STATE OF IDAHO,

County of Custer

ss.

Roy C. Pearson

and

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Moore, Idaho that he is user of water from Big Lost River in Water District No. 27 County of Butte, State of Idaho; that he has read or heard read the foregoing affidavit and petition of The Federal Land Bank of Spokane 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.

Frank Knight

Roy C. Pearson

Subscribed and sworn to before me this

24th

day of

January

A. D. 1936

George T. Ambrose

Notary Public for the State of
Idaho, residing at Mackay, Idaho.
My Com. Expires Oct. 16, 1936.

STATE OF IDAHO,

County of Custer

ss.

I, Roy W. Thompson

Watermaster of Big Lost River

Butte,

Water District No. 27, Counties of Custer and Butte, State of Idaho, whose postoffice address is Mackay, Idaho, have read or heard read the foregoing affidavit and petition of The Federal Land Bank of Spokane, 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: Lands from which proposed transfer of water is asked are unproductive. Lands to which water is to be transferred is productive and requires additional water to supplement supply received from insufficient water right of a late priority date.

Watermaster Dist. No. 27

Roy W. Thompson

Dated at Mackay

Idaho, this

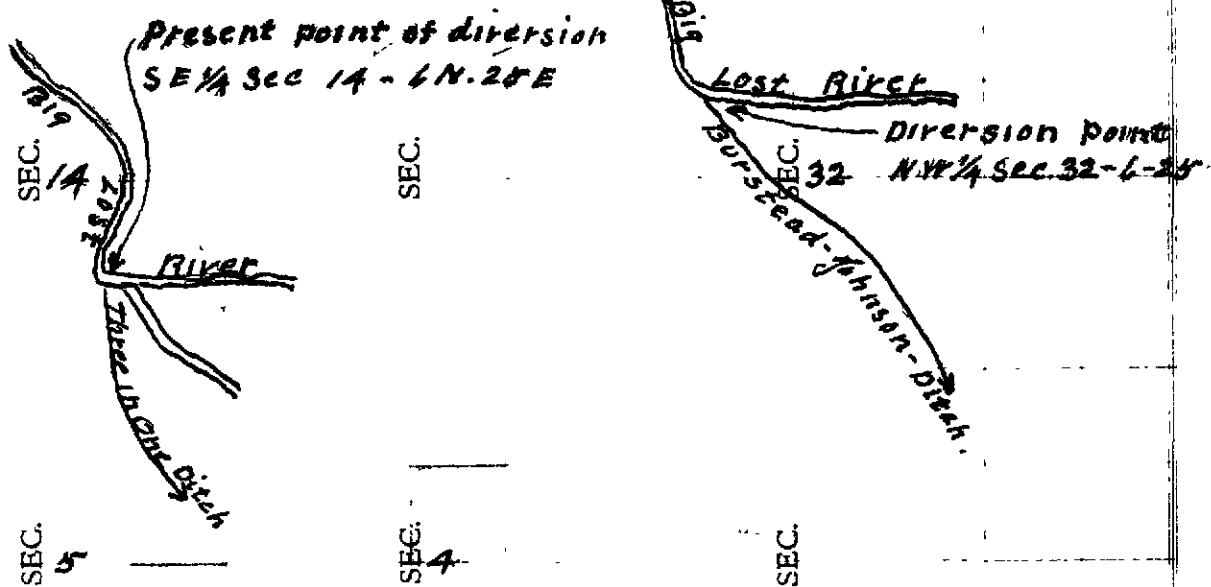
24th

day of

January

1936

Name of Applicant



SECS. 4 & 5 - 5 N. 26 E

Lands From which water is proposed
to be Transferred

SEC. 5

SEC. 4

SEC. 5

SEC. 5

SEC. 4

SEC. 5

SEC. 20

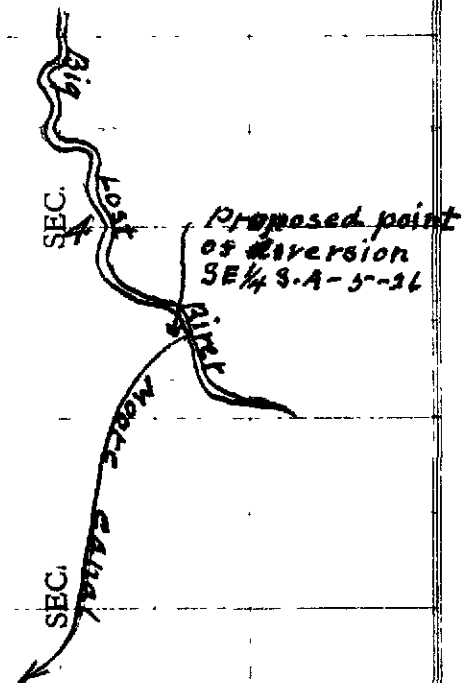
SEC. 21

SEC. 20

SEC. 20

SEC. 21

SEC. 20



Land to which water is proposed to transfer
Fr. W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 21 - 5 - 26

XXXXXXXXXX

Bersilla W. Clark

March 24, 1937

Re: Water Transfer No. 575.

Mr. Walter A. Jensen
Watermaster of Big Lost River
Mackay, Idaho

Dear Mr. Jensen:

There is enclosed herewith an Order and Certificate of Transfer granting the application of the Federal Land Bank of Spokane to transfer 3.3 cubic feet per second of the waters of the Big Lost River from the lands upon which it is now being used to a new place of use in Water District No. 27.

Very truly yours,

Deputy Commissioner of Reclamation

jl
Enc.

RECORDED

March 24, 1937

XXXXXXXXXX

Bersilla W. Clark

Re: Water Transfer No. 575.

The Federal Land Bank of Spokane
Spokane, Washington

Attention: Sherman B. Green.

Dear Sir:

Enclosed is an Order and Certificate of Transfer granting the application of the Federal Land Bank of Spokane to transfer 3.8 cubic feet per second of the waters of the Big Lost River from the lands upon which it is now being used to a new place of use.

Also enclosed is the Department's Receipt No. 16150 in the amount of \$1.00 for the fee paid in connection with this transfer.

Very truly yours,

Deputy Commissioner of Reclamation

j1
Enc. (2)

RECORDED

XXXXXXXXXX

Barzilia W. Clark

March 3, 1937

#575

Re: Transfer of Water Right.

Mr. Sherman B. Green, Engineer Appraiser
Federal Land Bank of Spokane
Spokane, Washington

Dear Mr. Green:

In answer to your letter of March 1st regarding your application for transfer of water rights in the Big Lost River Valley, we wish to advise you that as yet we have not received the affidavit of publication from the Arco Advertiser. I believe that most of the newspapers do not furnish affidavits of publication until the bill for such publication has been paid; therefore, if you have paid for the publication since you wrote to this office, we should receive the affidavit at an early date.

Your application for such transfer will be granted and a certificate of transfer issued and sent to you as soon as we receive the affidavit of publication.

Very truly yours,

Acting Director of Water Resources

jl

MICROFILMED

THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION
TWELFTH DISTRICT
IDAHO, MONTANA, OREGON AND WASHINGTON

SPOKANE, WASHINGTON

March 1, 1937

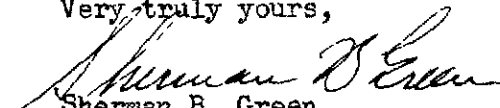
610 MAIN AVENUE
PHONE RIV 7141

Director of Water Rights
State Capitol Building
Boise, Idaho

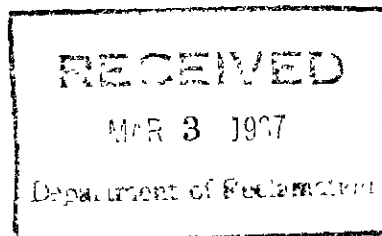
Dear Sir: Re: #15589 - Lost River - Stoddard

In connection with our pending application for transfer of water rights in the Big Lost River Irrigation District, we have received a bill for publication from the Arco Advertiser, but have not received the affidavit of publication; however, we directed the publisher to send the affidavit direct to your office and we would like to know whether it has been received and what the status of our application now is.

Very truly yours,


Sherman B. Green
Engineer-Appraiser

SBG:mr



THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION
TWELFTH DISTRICT
IDAHO, MONTANA, OREGON, AND WASHINGTON

SPOKANE, WASHINGTON

March 17, 1937

519 MAIN AVENUE
PHONE RIV 7141

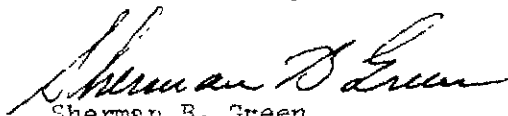
Mr. Paul Henry
Department of Reclamation
State Capitol Building
Boise, Idaho

Re: No. 15589 - Stoddard - Lost River

Dear Mr. Henry:

We have finally received the affidavit of publication concerning our application for transfer of water rights. The papers enclosed herewith will, I trust, permit you to issue certificate of transfer in the near future.

Yours very truly,



Sherman B. Green
Engineer - Appraiser

SBG:IE
Enc.

~~XXXXXXXXXXXXXX~~
Barzilla Clark, Governor

January 12, 1937

Re: Transfer of Water Right.

Mr. Sherman B. Green, Engineer Appraiser
Federal Land Bank of Spokane
Spokane, Washington

Dear Mr. Green:

The application of the Federal Land Bank of Spokane to transfer 3.3 cubic feet per second of the waters of the Big Lost River, which we received in this office under date of December 8th, will be granted just as soon as this department is in receipt of the Affidavit of Publication from the Arco Advertiser, Arco, Idaho.

We suggest that when you pay for the publication in connection with this application for transfer, you request that such affidavit be furnished you or sent direct to this department.

Very truly yours,

Acting Director of Water Resources

j1

MICROFILMED

December 16, 1936

Re: Application for Transfer

Mr. Sherman B. Green, Engineer Appraiser
Federal Land Bank of Spokane
Spokane, Washington

Dear Mr. Green:

On December 8th we received an application made on behalf of the Bank to re-transfer 3.8 second feet of the 4.8 second feet of the waters transferred under this department's Certificate 555 several months ago.

This procedure is somewhat unusual; however I can see no reason why the water should not be transferred back to the property to which it was originally decreed, inasmuch as the Bank is desirous of having it so transferred.

The usual publication will be made in the Arco Advertiser, and if no one protests the approval of the application within the time provided, a certificate authorizing such transfer will be issued immediately after the date set for hearing.

We also wish to acknowledge receipt of the Bank's check in the amount of \$1.00. This fee will be held pending action on the transfer.

Very truly yours,

Acting Director of Water Resources

FLH:j1

Microfilm

THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION
TWELFTH DISTRICT
IDAHO, MONTANA, OREGON, AND WASHINGTON

SPOKANE, WASHINGTON

610 MAIN AVENUE
PHONE RIV 7141

November 25, 1936

Mr. Roy W. Thompson,
Watermaster
Mackay, Idaho

Re: #13004-Vance-Lost River FFLA
#15589-Stoddard " " "

Dear Mr. Thompson:

Following the transfer of water rights from the Martha Jones Stoddard property to the Vance property, our Land Department sold the former place on contract. Through misunderstanding the contract purchaser was not fully acquainted with the fact that all water rights had been transferred from the Stoddard place and believed he was purchasing late rights sufficient to furnish him stock water on the place. He is now demanding that such late rights be re-transferred to the property for his benefit. Since these rights have little practical benefit to the Vance property in view of the superior rights appurtenant thereto, I presume there will be no objection to undoing a part of our former work and re-transferring the 1898 and 1906 Stoddard rights back to that land, leaving the early Stoddard right appurtenant to the Vance property.

We dislike to bother you further in this matter but see no alternative and I am inclosing an application to accomplish such transfer. Will you kindly approve this and forward to the Commissioner of Reclamation, together with the inclosed check covering the statutory fee?

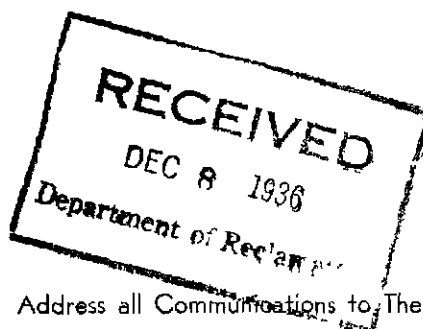
I believe no question of general taxes will complicate this matter as all taxes on the two properties involved either have been or shortly will be paid in full. Your kind cooperation will be greatly appreciated.

With personal regards to you and Mrs. Thompson,

Very truly yours,

Sherman D. Green
Sherman D. Green
Engineer Appraiser

MICROFILMED



SBG:cc
Incl.

Address all Communications to The Federal Land Bank of Spokane

November 25, 1936

Mr. Roy W. Thompson,
Watermaster
Blackfoot, Idaho

Re: #15004-Vance-Lost River FFLA
#15589-Stoddard " " "

(Transferred Right 555, Records
of Idaho Dept. Reclamation)

Dear Mr. Thompson:

Following the transfer of water rights from the Martha Jones Stoddard property to the Vance property, our Land Department sold the former place on contract. Through misunderstanding the contract purchaser was not fully acquainted with the fact that all water rights had been transferred from the Stoddard place and believed he was purchasing late rights sufficient to furnish him stock water on the place. He is now demanding that such late rights be re-transferred to the property for his benefit. Since these rights have little practical benefit to the Vance property in view of the superior rights appurtenant thereto, I presume there will be no objection to undoing a part of our former work and re-transferring the 1898 and 1906 Stoddard rights back to that land, leaving the early Stoddard right appurtenant to the Vance property.

We dislike to bother you further in this matter but see no alternative and I am inclosing an application to accomplish such transfer. Will you kindly approve this and forward to the Commissioner of Reclamation, together with the inclosed check covering the statutory fee?

I believe no question of general taxes will complicate this matter as all taxes on the two properties involved either have been or shortly will be paid in full. Your kind cooperation will be greatly appreciated.

With personal regards to you and Mrs. Thompson,

Very truly yours,

Mr. R. W. Paris, ✓
Commissioner of Reclamation
State Capital Building
Boise, Idaho

Sherman B. Green
Engineer Appraiser

FILED
NOV 26 1936
IDAHO

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the matter of the application of

THE FEDERAL LAND BANK OF SPOKANE,
Spokane, Washington

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

ORDER GRANTING TRANSFER

WHEREAS, On the 6th day of January, 1937, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of THE FEDERAL LAND BANK OF SPOKANE for a Transfer of Water Rights came on regularly for hearing, pursuant to the published notice, in the 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 this transfer is necessary to provide the purchaser of the land to which the applicant seeks to transfer these water rights with a water right which the purchaser of such land believed to be appurtenant to such land at the time he entered into a purchase contract therefor with the applicant herein, and that no one would 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 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 seal of the Department of Reclamation of the State of Idaho to be affixed, at Boise, Idaho, this 23rd day of March, 1937.

R. W. FARIS
Commissioner of Reclamation

By

Deputy Commissioner of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 575.

THIS IS TO Certify that THE FEDERAL LAND BANK OF SPOKANE, Spokane, Washington, is the owner of and using certain water rights, bearing dates of priority as follows:

1.2 cubic feet per second, with priority of May 1, 1898
2.6 cubic feet per second, with priority of May 1, 1906

of the waters of the BIG LOST RIVER, in the Counties of Butte and Custer, State of Idaho, said water being decreed to Martha A. Jones by decree of E. S. Farrington of the United States District Court, District of Idaho, Eastern Division, in the case of

THE UTAH CONSTRUCTION COMPANY vs. JOHN F. ABBOTT, et al

said decree bearing date of March 15, 1923, which water rights were decreed for the purpose of irrigating certain lands, but by Certificate of Transfer No. 555 of the Department of Reclamation of the State of Idaho, dated May 21st, 1936, were transferred according to the laws of the State of Idaho from the lands to which they were originally decreed and made appurtenant to the following described lands situate, lying and being in Water District No. 27, in the County of Butte, State of Idaho, to-wit:

All that part of the $W\frac{1}{2}$ $SW\frac{1}{4}$ of Section 21, Township 5 North, Range 26 East, B. M. lying West of the right-of-way of the Oregon Short Line Railroad;

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

THAT THE SAID Certificate of Transfer has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 2 of Transfers, at Page 555;

THAT THE SAID Applicant has become the owner of the said land and water rights by foreclosure of first mortgage loan thereon;

THAT NOW, UPON THE Application of The Federal Land Bank of Spokane for a Certificate of Transfer of Water Right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 3.8 cubic feet per second of the waters of the Big Lost River, upon the lands above described, 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:

$NE\frac{1}{4}$ $SE\frac{1}{4}$ and the $S\frac{1}{2}$ $SE\frac{1}{4}$ of Section 5, and the $SW\frac{1}{4}$ $SW\frac{1}{4}$, $S\frac{1}{2}$ $NE\frac{1}{4}$ $SW\frac{1}{4}$, and the $SW\frac{1}{4}$ $NE\frac{1}{4}$ of Section 4, all in Township 5 North, Range 26 East, B. M.,

situate, lying and being in the County of Butte, State of Idaho, and said water 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:

1.2 cubic feet per second of the waters of the Big Lost River, with date of priority of May 1, 1898, and

2.6 cubic feet per second of the waters of the Big Lost River, with date of priority of May 1, 1906;

THAT THE WATER RIGHTS, Hereby transferred have heretofore been conducted to the first above described lands through the Moore Canal, having its point of diversion in the

SE $\frac{1}{4}$ of Section 4, Township 5 North, Range 26 East, B. M.;

THAT THE WATER RIGHTS, Hereby transferred will hereafter be conducted to the new place of use through the Three-in-one and Burstedt-Johnson Ditches, having their points of diversion in the

NW $\frac{1}{4}$ of Section 32, Township 6 North, Range 26 East, B. M.
and in the

SE $\frac{1}{4}$ of Section 4, Township 5 North, Range 26 East, B. M.;

THAT THE LANDS To which these water rights are being transferred by this Certificate have appurtenant to them no other water rights, all rights having been transferred away from the land;

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 seal of the Department of Reclamation of the State of Idaho, to be affixed at Boise, Idaho, this 23rd day of March, 1937.

R. W. FARIS
Commissioner of Reclamation

By

Deputy Commissioner of Reclamation

Affidavit of Publication

I, C. A. Bottolfsen, publisher of The Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated December 25,, 1936 and ending with the issue dated January 1,, 1937.

Subscribed and sworn to before me this 5th day of March, 1937

C. A. Bottolfsen

Robert J. Miller
Notary Public.

Residence: Arco, Idaho.

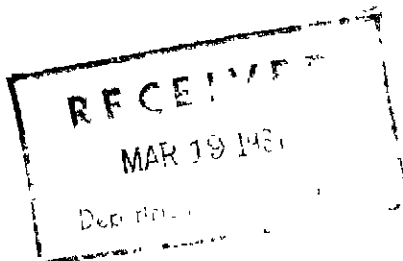
My commission expires July 16, 1940.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that The Federal Land Bank of Spokane, Washington, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 3.8 cubic feet per second of the water of Big Lost River from the land upon which it is now used, i. e. All that part of the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 21, Township 5 North, Range 26 East, lying west of the right of way of the Oregon Short Line Railroad to the following described tract NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5; and SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, all in Township 5 North, Range 26 East, B. M.

And that, on the 6th day of January, A. D. 1937, at 10:00 A. M., at Boise, Idaho, 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.

R. W. FARIS,
Commissioner of Reclamation.
(D25 J1-2b)



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date.....~~December 17, 1936~~.....

The Arco Advertiser
Arco, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ~~four~~^{two} consecutive weeks prior to ~~January 6, 1937~~^{hearing}, the date set for ~~proof~~^{hearing}, the expense of the publication to be paid by the applicant, ~~The Federal Land Bank of Spokane, Washington,~~.....

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

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

Very truly yours,

H. W. FAHIS

Commissioner of Reclamation

By

Acting Director of Water Resources

Notice of Proposed Transfer of Water Right

Notice is hereby given that The Federal Land Bank of Spokane,
Washington, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 3.8 cubic feet per second
 of the water of Big Lost River

from the land upon which it is now used, i. e. All that part of the east half of the southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 21, Township 5 North, Range 21 East, b. 1. lying west of the right of way of the Oregon Short Line Railroad

to the following described tract NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5; and SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, all in Township 5 North, Range 26 East, b. 1.

And that, on the 6th day of January, A. D. 1937, at 10:00 A.M., at Boise, Idaho, 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.

R. W. FARIS
 Commissioner of Reclamation.

Application For Transfer of Water Right

STATE OF ~~IDAHO~~ WASHINGTONCounty of SPOKANE

ss.

Ward K. Newcomb

, being first duly sworn, deposes and says.

That his name is Ward K. Newcomb; that he is of lawful age, a citizen of the United States and of the State of ~~Idaho~~ Washington, and that his postoffice address is 619 Main Avenue, Spokane, Washington.

That he is the vice president of the Federal Land Bank of Spokane, and that he is duly authorized to make this affidavit and petition, for and on behalf of said corporation.

That the Federal Land Bank of Spokane is the owner and claim certain water rights, bearing dates of priority of May 1, 1903 for 1.5; and of May 1, 1906 for 2.5 cubic feet per second of the waters of Big Lost River in the Counties of Custer and Butte, State of Idaho, decreed to Martha A. Jones by decree of Judge L. S. Harrington of the U. S. District Court, District of Idaho, Eastern Division, in the case designated Equity No. 222 vs. The Utah Construction Company, said decree bearing date of March 15, 1923; which water rights were by certificate of the Commissioner of Reclamation of the State of Idaho, dated May 21, 1936, transferred according to the laws of the State of Idaho from the land to which they were originally decreed, and made appurtenant to the following described lands, lying and being in Water District No. 27, in the County of Butte and State of Idaho, to-wit:

All that part of the West Half of the Southeast Quarter of Section Two north,
Township Five North, Range Twenty Six East., B. M. being West of the right of way
of the Oregon Short Line Railroad.

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. Enclosure of first water loan or land and water rights

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 Southeast Quarter of Section Four (4), Township Five North Range Twenty-Six East., B. M., and conducted to the above described lands through the Hooper Canal as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 5.0 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Butte and State of Idaho, to-wit:
NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5 and SW $\frac{1}{4}$ of SW $\frac{1}{4}$, S $\frac{1}{2}$ T. 5 N., R. 26 E., Section 4, all in
Township 5 North, Range 26 East, B. M.

That his reasons for desiring to make such transfer are as follows: To provide the purchaser of the land last above described with a water right which is believed to be appurtenant to such land at the time he entered into a purchase contract therefor with the applicant herein.

That he intends to divert and convey said 3.8 second feet of water to the tract of land last above described in the following manner, to-wit: through the facilities of the Big Lost River Irrigation District, the Three-In-One Ditch Company, and Burstedt-Johnson Ditch Company.

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.

Subscribed and sworn to before me this 1st day of December A. D. 1936.
Ward H. Muegamb Vice-President Applicant.
W. H. Muegamb Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Big Lost River.

Where is the diversion point located? SE $\frac{1}{4}$ of Sec. 4, Township 5 N., Range 26 East

Through what ditch is it now conducted? Moore Canal.

How much land is now irrigated by the water sought to be transferred? 73 acres, partially.

Give the description: All that part of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 21, Township 5 North, Range 26 East, B.M. lying West of the right of way of Oregon Short Line Railroad.

What is the total amount of water in inches or second feet dedicated to said land? 1 second-foot with priority of June 1, 1884 (heretofore transferred to this land); 1.2 second feet with a priority of May 1, 1898; 2.6 second feet with priority of May 1, 1906 (the latter two rights heretofore having been transferred to this land and now sought to be re-transferred back to the land to which they were originally decreed); 50.5 miners inches with a priority of 1896 (originally decreed to this land.
not to be discontinued.

Give location of new point of diversion, if change is to be made: W $\frac{1}{2}$ of Sec. 32, Twp. 5 N., R. 26 E.B.M. & SE $\frac{1}{4}$ of Sec. 4, Twp. 5 N., R. 26 E.B.M.

Through what ditch will it be conducted after transfer? 3 in 1, and Burstedt-Johnson

How much water will be required per acre to irrigate the land to which this water is transferred? From 4 to 5 acre feet per acre. It is not anticipated that the water sought to be transferred will provide a full supply for all of the land.

Do you claim any other water right for the land from which you seek to abandon the use of this water? Other water rights now appurtenant & to remain appurtenant to such land have been described above.
If so, give amount, date and source.

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. No other rights, all having been transferred. It is now sought to re-transfer 3.8 second foot of 1898 and 1906 rights back to such land to which it was originally decreed.

Signed THE FEDERAL LAND BANK OF SPOKANE
By Ward H. Muegamb Applicant.
Vice President

STATE OF IDAHO,

County of Custer

ss.

H. W. Angelo

and

C. J. Manson

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 Leslie, Idaho that he is user of water from Big Lost River in Water District No. 27 Butte and County of Custer, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Federal Land Bank of Spokane 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.

H. W. Angelo
C. J. Manson

Subscribed and sworn to before me this 5th day of December,

A. D. 1936.

George J. Sproul
Notary Public for the State of
Idaho, residing at Mackay, Idaho.
My Com. Expires Oct. 16, 1940.

STATE OF IDAHO,

County of Custer

ss.

I, Roy W. Thompson

Watermaster of Big Lost River

Water District No. 27

Counties

Custer and Butte, State of Idaho, whose postoffice address is Mackay, Idaho

, have read or heard read the foregoing affidavit and petition of The Federal Land Bank of Spokane, 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: Business reasons of the

Federal Land Bank

Watermaster Dist. No. 27

Dated at Mackay, Idaho, this 5th day of December, 1936.

Name of Applicant

T 5 N., R 26 E., B.M.

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