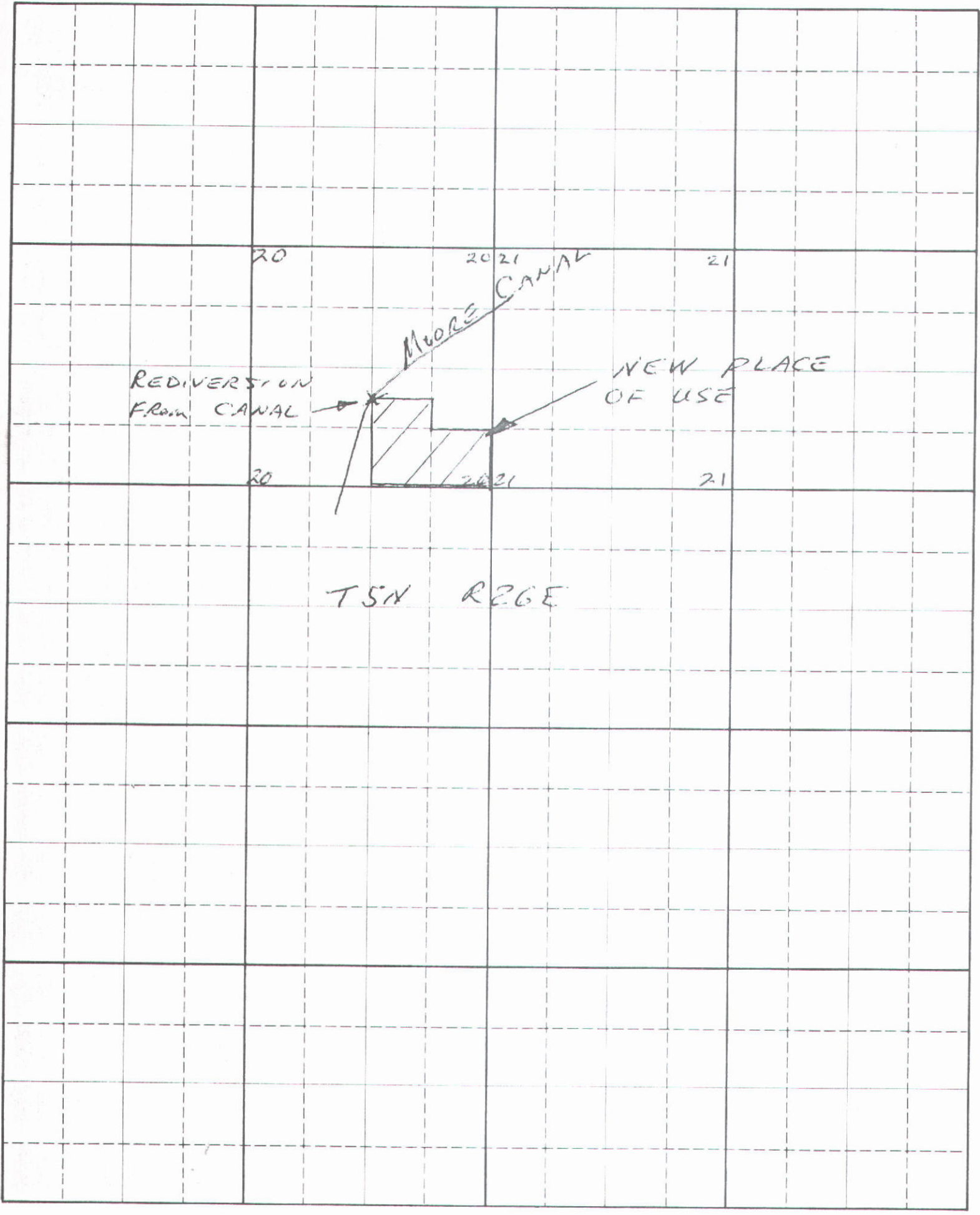




SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

MODIFIED

line West 175 feet to the point of beginning, EXCEPTING TO GRANT THAT portion lying within roads along the west and south property lines,

ALSO RESERVING To the Sellers herein an undivided one-half interest in a 25 foot by 25 foot parcel of land in the Northwest corner of the described property, and in the irrigation pump, well and motor situated thereon;

ALSO RESERVING To the Sellers irrigation water rights as follows:

50 inches of Decreed Irrigation Water, with a priority date of June 1, 1884, and an undivided one-half interest in and to State of Idaho Water License No. G-23547.

PURCHASE PRICE:

The agreed purchase price for the above-described real property is the sum of SIXTY THOUSAND AND NO/100 DOLLARS (\$60,000.00), in lawful money of the United States of America, which Purchasers agree to pay as follows:

The sum of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), upon the execution of this agreement, the receipt of which is hereby acknowledged by Sellers;

THIRTY TWO THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$32,300.00), by assuming a certain Note and Real Estate Mortgage given by Sellers and Purchasers to Federal Land Bank Association, which Note and Mortgage the Purchasers agree to discharge and pay according to their terms;

The balance of TWENTY TWO THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$22,700.00), together with interest at 7% per annum, from date of this agreement, as follows:

FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), plus interest as aforesaid, on, or before, the 1st day of October, 1974;

TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00), plus interest at 7% per annum, on the 31st day of December, 1974, and a like sum of \$2,000.00,

MICROFILMED

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F. S.	RIGHT NO.
--------------	------	------------------	--------------------	--------------

	Jones, Martha A.	0.2		34-0404
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555	Federal Land Bank of Spokane	0.2	0	34 -0404A
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1767 Jones, Martha A.

1767

A

R

T

Identification No. _____

Transfer No. 34-0403 + 34-0404

H 1169

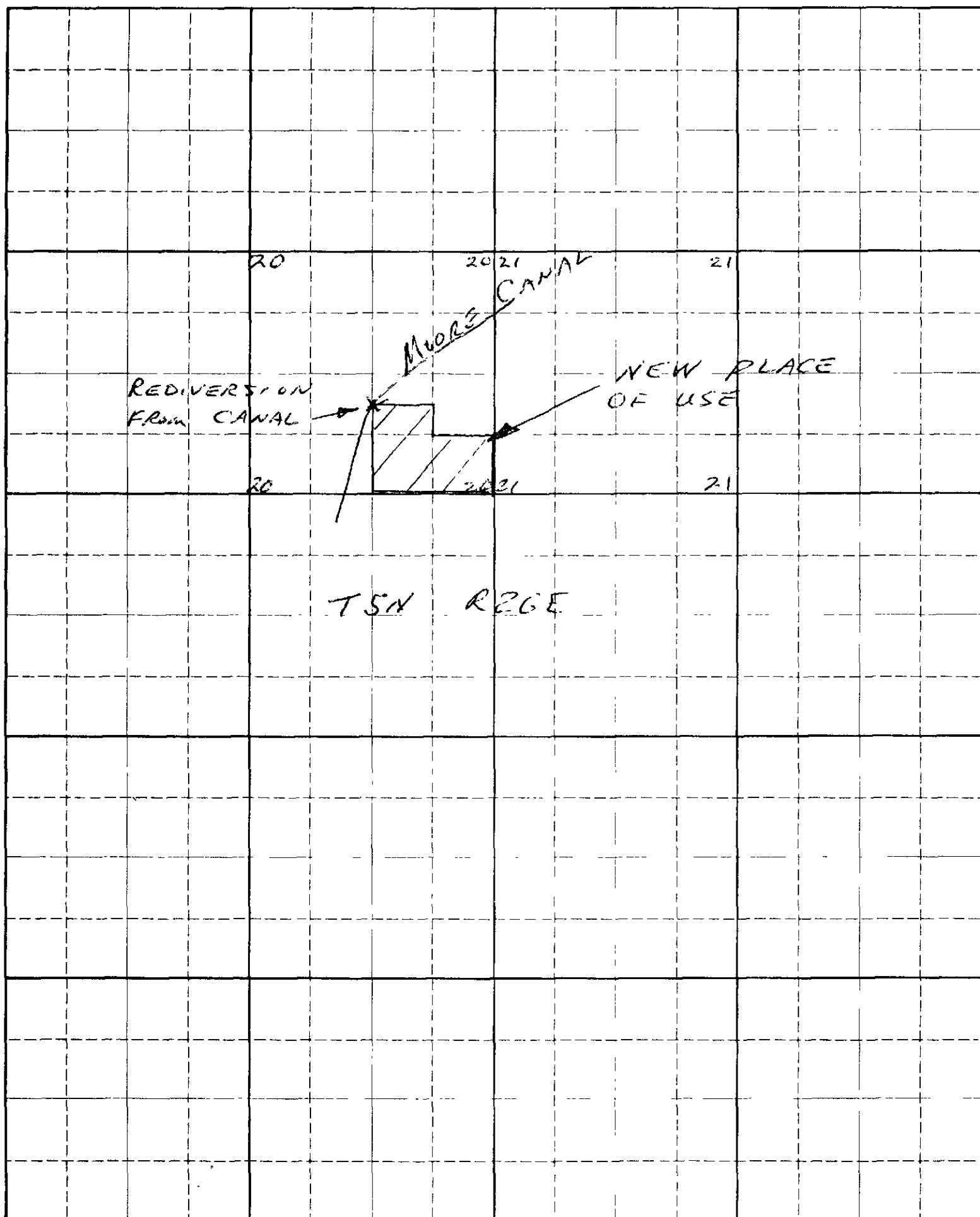
STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and or the Place of Use

- 1 Name of Right Holder C. D. Jones
Post office address Box 910, Moore, Idaho 83255
- 2 Right obtained by:
 - a Decree to Martha A. Jones in Case of Utah Construction Co.
(Name)
vs. John Abbott, et al Dated 10/21/1925 in U.S. District Court
(Name of Court)
Court County of Butte and Custer
 - b Right No. D.N. 252 IDWA No. _____ Transfer No. 555
issued by the State of Idaho, Department of Reclamation
- 3 Source of water Big Lost River tributary to Sinks
(Name of stream or source) RIGHT NO.
- 4 Date of Priority June 1, 1884 34-0403 0.2 c.f.s.
34-0404 0.2 c.f.s.
- 5 Amount of water a 1.0 cfs and/or 50 miners inches
b. _____ acre feet/annum
- 6 Water is used for Irrigation from Apr. 1 to Nov. 1
(Month, Day) (Month, Day)
- 7 Original location of point of diversion is NW 1/4 SL 1/4 of Section 4,
Township 5N, Range 26E, B M, in Butte County,
Additional points of diversion, if any (Moore Canal)
- 8 Lands presently irrigated or place of use

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	26E	21										40	40						80

Total number of acres presently irrigated 80



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired. Purchase of
land to which the right had been transferred.

10. CHANGE IN POINT OF DIVERSION NO CHANGE

- a. Quantity to be diverted at new point _____ c f s and/or _____ acre feet
- b. New point of diversion: _____ 1/4 _____ 1/4, Section _____, Township _____
_____, Range _____, B M.
- c. Description of method of diversion and conveyance from new points of diversion: _____

- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No _____
If not, the place of use should be changed below
- e. Describe the reasons for applying for a change in the point of diversion.

- f. Do you intend to make the transfer permanent? _____
- g. Do you intend to abandon completely the old point of diversion? _____

- h. Indicate on the above plat the new point of diversion and lands to be irrigated

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	26E	20														20	30	30	80

Total number of acres to be irrigated 80

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

This land is sold and has some 96 decree and 1/2 of a well.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this

right 100 miners inches of 1896 water and 1/2 of well. The 1896 right is an uncertain and insufficient supply requiring additional water to grow crops using flood irrigation.

e. Indicate on the above plat the new land to be irrigated and the point of diversion

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge

C. D. Jones
(signature of applicant)

Subscribed and sworn to before me this 21ST day of FEBRUARY, 1974

Norman C. Young
(notary public)

My commission expires 6/10/75

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No 34-0403 & 34-0404, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons

Witness my hand this 29 day of April, 19 74

R. Keith Higginson
R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration

FOR DEPARTMENT USE ONLY

Received by W.D. Date 3/28/74

Protest filed by _____ Date _____

Prelim check by W.D. Date 3/28/74

Fee received by W.D. Date 3/28/74 Fee \$ 3

Approved for publication by R.D. 3/28/74

Published in W.D. Dates 3/28/74

Hearing held _____

Watermaster Recommendation sent W.D. 3/28/74

Affidavit of Publication

I, *Le E. L. Jones*, of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for *2* consecutive weeks, commencing with

the issue dated *March 14, 1974*

and ending with the issue dated *March 21, 1974*

Le E. L. Jones

Subscribed and sworn to before me this

25 day of *Mar*, 19 *74*

OT Jones
Notary Public

Residence: Arco, Idaho.

My commission expires, 19

PUBLIC NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO 34-0403 & 34-0404

Notice is hereby given that C. D. Jones, Box 910, Moore, Idaho, has applied to the Department of Water Administration for a change of the place of use. The right sought to be changed is evidenced by decree to Martha A. Jones in Case of Utah Construction Co. -vs- John Abbott, et al., dated 10/21/1925 in U. S. District Court, County of Butte and Custer. Right No. 34-0403 & 34-0404 as modified by Transfer No. 555 are recorded as follows:

RIGHT NO	AMOUNT
34-0403	0.8 cfs
34-0404	0.2 cfs

PRIORITY: June 1, 1884

DECREED POINT OF DIVERSION NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 4, T 5N, R 26E, BM, Butte County:

The water is used for the irrigation of 80 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec 21, T 5N, R. 26E, BM.

TO BE CHANGED AS
FOLLOWS

The water will be used for the irrigation of 80 acres within the W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 20, T 5N, R 26E, BM

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 1, 1974

R. KEITH HIGGINSON
Director

Published in the Arco Advertiser, Arco, Idaho, on March 14 and March 21, 1974.

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, 1894, 1 cubic foot per second
May 1, 1898, 1.2 cubic feet per second
May 1, 1900, 2.0 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. Harrington, of the United States District Court, District of Idaho, Eastern Division, in the case of

THE WYAM 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 7, 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

RECORDED

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 2 East, Section 22,
Township 6 North, Range 2 East, N. E.,

and conducted to the first above described lands through the THIBAU-
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 6 North,
Range 26 East,

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

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 con-
firmed, is restricted to the limit or place of use last above des-
cribed, 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.

A. W. FARIS,
Commissioner of Reclamation

Frederick E. Urager

Frederick E. Urager,
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)
Water District No. 27, Butte County)

ORDER GRANTING TRANSFER

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 do and the same is hereby granted on the condition 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 15th day of March, 1936.

L. W. Paris,
Commissioner of Reclamation

By Lester C. Walker
Lester C. Walker,
Director of Water Resources

DECEASED

IN THE UNITED STATES DISTRICT COURT, IN
AND FOR THE DISTRICT OF IDAHO, EASTERN
DIVISION

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

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

Mrs. Hannah Babcock (or Mrs. Alberm Babcock, A. Rowley Babcock (or A. Babcock), William Babcock (now deceased), Jacob F. Baird, Bank of Myssa, 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. K. 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; M. 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 E. George Beverland), James Beverland, as executor of the estate of Charles Beverland, deceased; James Beverland, Joana Beverland, Henry Bews (or Harry Bews), Peter Biedtlin, Nora C. Billings, Elizabeth Bills, John L. Bills, Norman Wills, Ole Bills, Albert F. Bischoff (or A. F. Bischoff), Lewis A. Bitton (or John Doe Britton), Lina Bitton (or Zina Britton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Heber S. 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 L. Bliss, Philip R. Bliss, Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Joseph A. Boillin, Rhoda Boling, Rachael Boone, Wm. A. Boone, David J. Boyack (or D. Boycock or David D. Boycock, Jr.), Sylvanus Boyack (or S. Boycock), Perry A. Boyd, Robert G. Boyd (successor in interest of Charles H. Buntton), T. A. Boyer, Elizabeth Bradshaw (now deceased), George Bradshaw, John Bradshaw, Earl Bradshaw, William Bradshaw, William Bradshaw, as administrator of the estate of Elizabeth Bradshaw, deceased (substituted for Elizabeth Bradshaw deceased); Francis Braithwaite, R. F. Braithwaite (or Robert Braithwaite), William J. Braithwaite, H. C. Brake, William H. Brashear, H. T. Brengren, Charles Brown, Edna Brown, Edna S. Brown, as executrix of the estate of Martin J. Brown, deceased (substituted for

Robert Johnson

1896-June 1 ✓ 34 0400 0.0125 c.f.s.

No. 249

C. C. JONES

1896-June 1 ✓ 0401 0.004 c.f.s.

No. 255 (250)

Harvey D. Jones

1896-June 1 ✓ 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.

10-6-1-24

12-5-1-93

2.6-5-1-06

2.6-5-1-06

(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:

April 29, 1974

Re: Transfer No. 34-0403 & 34-0404

Mr. C. D. Jones
Box 910
Moore, Idaho 83255

Dear Mr. Jones:

Enclosed herewith is a copy of your approved Application for Transfer of Water Right No. 34-0403 & 34-0404.

Be sure to note that a special condition requiring you to install and maintain a measuring device at the point of diversion has been placed upon this transfer. We have enclosed a letter describing different types of measuring devices approved by this Department.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosures

cc: Gene Gabert, Watermaster
Mackay, Idaho

bc: Eastern District Office

RECEIVED
MAY 1 1974

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT

NO 34-0403 & 34-0404

MA Notice is hereby given that C. D. Jones, Box 910, Moore, Idaho, has applied to the Department of Water Administration for a change of the place of use. The right sought to be changed is evidenced by decree to Martha A. Jones in Case of Utah Construction Co. -vs- John Abbott, *et al*, dated 10/21/1925 in U. S. District Court, County of Butte and Custer. Right No 34-0403 & 34-0404 as modified by Transfer No. 555 are recorded as follows:

RIGHT NO.	AMOUNT
34-0403	0.8 cfs
34-0404	0.2 cfs

PRIORITY: June 1, 1884

DECREED POINT OF DIVERSION: NW¹SE¹, Sec 4, T 5N, R 26E, B.M. Butte County.

The water is used for the irrigation of 80 acres within the W¹SW¹, Sec 21, T 5N, R 26E, B.M.

TO BE CHANGED AS
FOLLOWS

The water will be used for the irrigation of 80 acres within the W¹SE¹, SE¹SE¹, Sec 20, T 5N, R 26E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 1, 1974.

R. KEITH HIGGINSON
Director

Published in the Arco Advertiser, Arco, Idaho, on March 14 and March 21, 1974

XXXXXXXXXXXXXXXXXXXX 1515 Lincoln Road

March 8, 1974

Re: Application for Transfer No. 34-0403 & 34-1404 C.D. JONES

The Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 3-27-74 by MB

NCY:MB
Enc: Legal Notice (1)

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

2/22/54

Mr Norman Young

Re. Bud Jones
McCre, Id.

Mr Bud Jones stopped in the office today and requested that I contact you about the soils on his farm relative to an increase in water for his farm.

He has gravelly loam, moderately deep soils on his farm. He also uses the border type irrigation system on his farm which requires a large head of water. I think that it would be consistent if he were allowed more than one IMI per acre

James H. Stahmer
District Administrator
Annapolis, Md

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 34-0403 & 34-0404

Notice is hereby given that C. D. Jones, Box 910, Moore, Idaho, has applied to the Department of Water Administration for a change of the place of use. The right sought to be changed is evidenced by decree to Martha A. Jones in Case of Utah Construction Co. -vs- John Abbott, et al, dated 10/21/1925 in U. S. District Court, County of Butte and Custer. Right No. 34-0403 & 34-0404 as modified by Transfer No. 555 are recorded as follows:

<u>RIGHT NO.</u>	<u>AMOUNT:</u>
34-0403	0.8 cfs
34-0404	0.2 cfs

PRIORITY: June 1, 1884

DECREED POINT OF DIVERSION: NW¹/4 Sec. 4, T. 5N, R. 26E, B.M.
Butte County:

The water is used for the irrigation of 20 acres within the NW¹/4 Sec. 21, T. 5N, R. 26E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used for the irrigation of 80 acres within the W¹/2 Sec. 20, T. 5N, R. 26E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 1, 1974.

R. KEITH HIGGINSON

Director

Published in the Arco Advertiser, Arco, Idaho, on March 14 and March 21, 1974.

John

REAL ESTATE PURCHASE AND SALE AGREEMENT

THIS AGREEMENT, Made and entered into this 31st day of December, 1973, by and between CHARLES D. JONES and NORMA I. JONES, Husband and Wife, of Moore, Butte County, State of Idaho, the parties of the first part, hereinafter called "Sellers", and MARLIN FELTON and MARY LOU FELTON, Husband and Wife, of the County of Butte, State of Idaho, the parties of the second part, hereinafter called "Purchasers";

W I T N E S S E T H:

In consideration of the mutual covenants and agreements herein contained, the Sellers agree to sell and the Purchasers agree to purchase the real property situate and being in Butte County, Idaho, described as follows, to-wit:

All that portion of the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) lying South and West of U. S. Highway 93 A, Township 5 North, Range 26 East, of the Boise Meridian;

AND The following irrigation water rights: 73.5 inches of decreed irrigation water with a priority date of 6/1/1896, together with associated storage rights in Mackay Reservoir; and a one-half ($\frac{1}{2}$) interest in State of Idaho Water License No. G-25647;

EXCEPTING THEREFROM That portion of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 21, Township 5 North, Range 26 East, Boise Meridian, Butte County, Idaho, described as follows:

Beginning at the Southwest corner of said Section; thence along the West line thereof North 200 feet; thence East 275 feet; thence South 200 feet to the South line of said Section; thence along said South

line west 27° 30' 00" of beginning,
EXCEPTING THEREFROM any portion lying within
roads along the south and north property lines.

ALSO RESERVING TO the Sellers herein an un-
divided one-half interest in a 25 foot by 25 foot
parcel of land in the Northwest corner of the
described property, and in the irrigation pump,
well and motor situated thereon;

ALSO RESERVING TO the Sellers irrigation water
rights as follows:

50 inches of Decreed Irrigation Water, with a
priority date of January 1, 1884, and an undivided
one-half interest in and to State of Idaho Water
License No. G-20047.

PURCHASE PRICE:

The agreed purchase price for the above-described
real property is the sum of SIXTY THOUSAND AND NO/100 DOLLARS
(\$60,000.00), in lawful money of the United States of America,
which Purchasers agree to pay as follows:

The sum of FIVE THOUSAND AND NO/100 DOLLARS
(\$5,000.00), upon the execution of this agree-
ment, the receipt of which is hereby acknowledged
by Sellers;

THIRTY TWO THOUSAND THREE HUNDRED AND NO/100
DOLLARS (\$32,300.00), by assuming a certain Note
and Real Estate Mortgage given by Sellers and
Purchasers to Federal Land Bank Association, which
Note and Mortgage the Purchasers agree to discharge
and pay according to their terms;

The balance of TWENTY TWO THOUSAND SEVEN HUNDRED
AND NO/100 DOLLARS (\$22,700.00), together with in-
terest at 7% per annum, from date of this agreement
as follows:

FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), plus
interest as aforesaid, on, or before, the 1st day
of October, 1974;

TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00),
plus interest as aforesaid, on the 31st day
of October, 1974, like sum of \$2,000.00

construed as covenants and agreements as though words importing such covenants and agreements were used in each separate paragraph hereof, and all the provisions herein shall be binding on and accrue to the benefit of the parties hereto and to their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals, the day and year first above written.

Charles D. Jones (SEAL)
Charles D. Jones

Norma I. Jones (SEAL)
Norma I. Jones
SELLERS

Marlin Felton (SEAL)
Marlin Felton

Mary Lou Felton (SEAL)
Mary Lou Felton
PURCHASERS

STATE OF IDAHO)
 : ss.
County of Butte)

On this 31 day of Dec, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLES D. JONES and NORMA I. JONES, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate

first above written.

(SEAL)

William J. Carlson
Notary Public for Idaho,
Residing at Arco, Idaho.

STATE OF IDAHO)
 : ss.
County of Butte)

On this 31st day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared MARLIN FELTON and MARY LOU FELTON, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

William J. Carlson
Notary Public for Idaho,
Residing at Arco, Idaho.

INTER-DEPARTMENT MEMO — 1

RECEIVED

DATE April 24, 1974

APR 26

Department of Water Administration

FROM Ron

TO Bob

SUBJECT Application for Transfer No. 34-0403 & 34-0404

Our conversations with the watermaster and other contacts in this area indicate that a 1896 right is uncertain and most of the year this transfer will not result in excessive quantity. Therefore, I recommend it be approved.

M.D. Requirement? Yes — BDF

Ron

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Machelle

DATE Feb. 22, 1974

to E. J.

SUBJECT NUMBER FOR JONES TRANSFER

Attached please find a copy of a transfer which we received yesterday. I would appreciate your finding a number for it and letting me know by the middle of next week. Thank you!!

SIGNATURE