

J. L. ANDERSON AND
JANES P. ANDERSON

1894-March 10
2.6 Trans. 516

No. 13

JOSEPHINE ANDERSON

1885-October 2
0.8 Trans. 831

No. 14

JOSEPH W. ANDERSON
(Or J. W. Anderson)
1884-May 20

No. 15

NIELS R. ANDERSON

(a) 1885-October 2

No. 16

2.6 **34.s.0030**

To be diverted from Big Lost River through the Sutter ditch having its point of diversion in the Southeast quarter of Section 6, Township 6 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

The South half of the Southwest quarter of Section 4; the Southeast quarter of the Southeast quarter of Section 5; Northeast quarter of the Northwest quarter of Section 9, Township 6 North, Range 25 East, B. M.

0.8 **34.s.0031**

To be diverted from Big Lost River through the Ferris Slough having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The South half of the Northwest quarter of the Southwest quarter and the South half of the Northeast quarter of the Southwest quarter of Section 8, Township 3 North, Range 27 East, B. M.

5.6 **34.s.0032**

To be diverted from Big Lost River through the Harger and Sullivan ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The Northwest quarter; West half of the Northeast quarter; Southeast quarter of the Northeast quarter of Section 17, Township 4 North, Range 26 East, B. M.

0.8 **34.s.0033**

To be diverted from Big Lost River through the McLaughlin ditch having its point of diversion in the Southeast quarter of Section 12, Township 3 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The Northwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 18, Township 3 North, Range 27 East, B. M.

(b) 1900-September 24 0.5 **34.s.0034**

To be diverted from Big Lost River through the Muncy ditch having its point of diversion in the Southeast quarter of Section 26, Township 4 North, Range 26 East, B. M., for the irrigation of the land last above described.

MICROFILMED

Affidavit of Publication

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT.

Notice is hereby given that CONTINENTAL LIFE INSURANCE CO., H. A. JONES, AGT. of Blackfoot, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of two and six tenths (2.6) cubic feet per second of the water of Big Lost River from the land upon which it is now used, i. e. SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5; S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 4; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9; Twp. 6 N., R. 25 E. B. M. to the following described tract E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 18; E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20; W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 21, Twp. 9 N. R. 22 E. B. M.

And that, on the 7th day of November, A. D. 1932, 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.
O27-N3-2t

State of Idaho, }
County of Custer. } ss

I, Dud Dillingham, Manager of the MACKAY MINER, a weekly newspaper of General Circulation published weekly at Mackay, Idaho, continuously since February 16, 1905, 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 2 consecutive weeks, commencing with the issue dated Oct 27, 1932, and ending with the issue dated Nov 3, 1932.

Dud Dillingham

Subscribed and sworn to before me this _____ day of _____, 19____

M. D. Kelgo
Notary Public

Residence and P. O. Address, Mackay, Idaho
My Commission Expires May 10, 1936



MICROFILMED

ROY W. THOMPSON

WATER COMMISSIONER FOR
BIG LOST RIVER

MACKAY, IDAHO

Oct. 11, 1932

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

Dear Mr. Faris:

Enclosed herewith is an application of transfer of water right, Applicant, Continental Life Ins. Co. by H.A. Jones, Special Agent. This application was handed me last fall for approval. I refused to sign it for the reason that water rights should not be transferred from below to above the Mackay Dam, and vice versa on account of part time the two sections of the river are administered as separate streams. For example during the season of 1931 this 1894 right was never on below the dam while the same right was on all season above the dam in the Chilly Canal, except for a period of about six days.

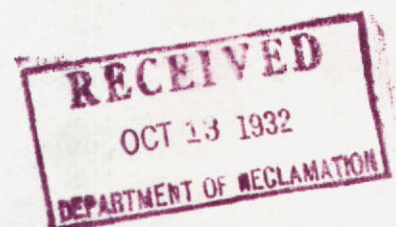
However I have been asked again to approve the same transfer, with the following provision, "That the transferred water right take the same priority above the Mackay Dam, at all times as rights below the Dam",

I see no valid reason why I should not approve the transfer, with the above provision, although it has objectionable features, one is that a transfer of this kind has not been *made* before, and another is that the provision could easily become detached in latter years making it a permanent and valuable right.

Very truly yours,

Roy W. Thompson
Water Commissioner,

MICROFILMED



STATE OF IDAHO,

County of Custer

SS.

Ismay Reay and W. A. Penner
being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Mackay, Idaho that he is a user of water from Big Lost River, in Water District No. 27 C County of Custer, State of Idaho; that he has read or heard read the foregoing affidavit and petition of H. A. Jones 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.

Ismay Reay
W. A. Penner

Subscribed and sworn to before me this 17th day of November

A. D. 1931

George J. Hambrook
Notary Public, Residing at Mackay, Idaho
My Com. Expires Oct. 6, 1932.

STATE OF IDAHO,

County of Custer

SS.

I, Roy W. Thompson, Watermaster of Big Lost River Water District No. 27-A & C County of Custer, State of Idaho, whose postoffice address is Mackay, Idaho, have read or heard read the foregoing affidavit and petition of Continental Life Insurance Co. By H. A. Jones, Special Agent. 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: Greater beneficial use.

Approved only, with the following proviso, That this transferred water right

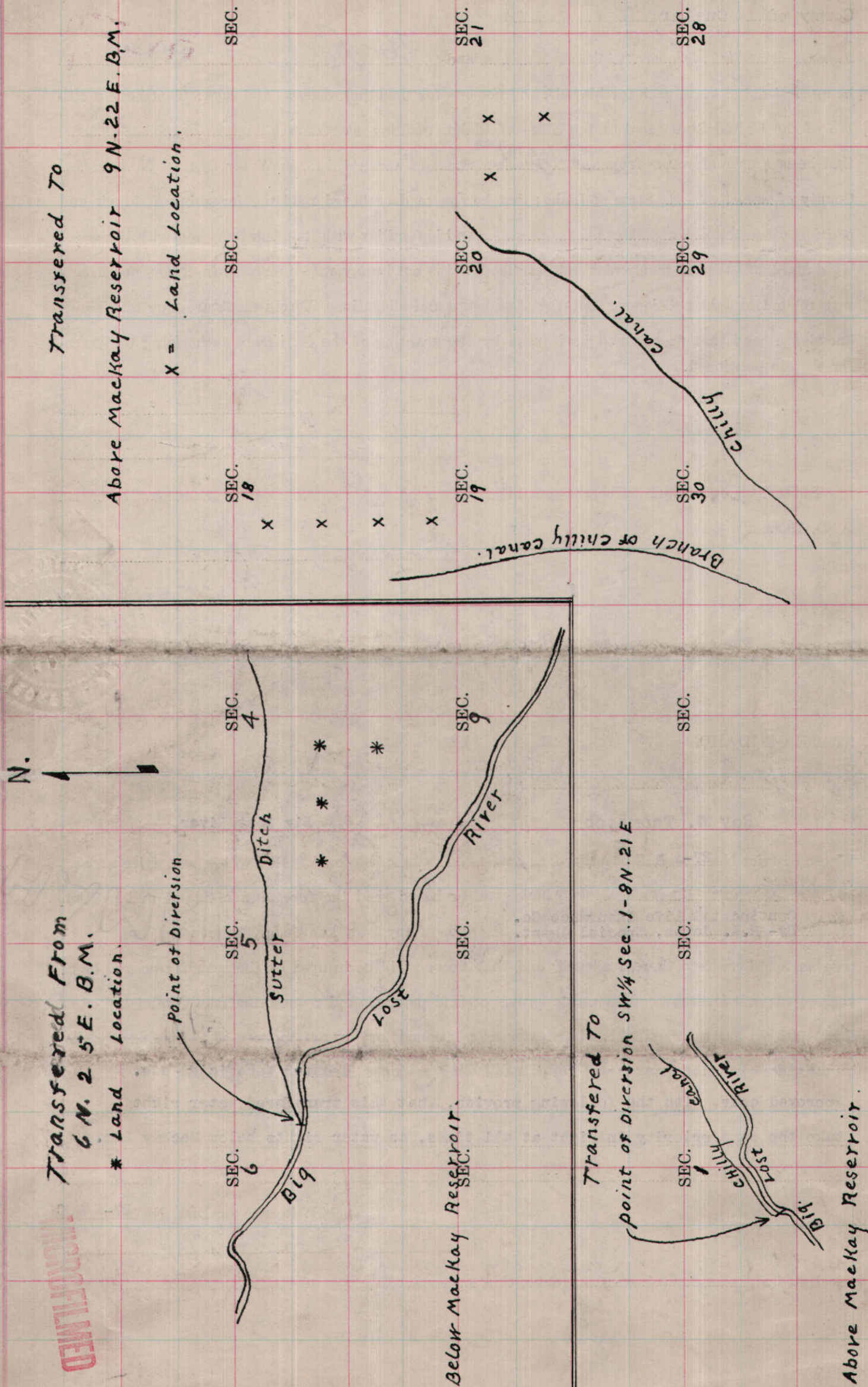
take the same priority in right at all times, as water rights below Mackay Dam.

Watermaster Dist. No. 27-A & C

Roy W. Thompson

Dated at Mackay, Idaho, this Eleventh day of October, 1932.

MICROFILMED



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

	Anderson, J. L. & J. P.	2.6		34-0030
516	Continental Life Insurance Company	2.6	0	34-0030A

from
original copy
11-1-54

A

R

T
11-1-54

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
Transferred Right No. 516

THIS IS TO CERTIFY That Continental Life Insurance Company, H. A. Jones, Agent, Blackfoot, County of Bingham, State of Idaho, is the owner of, and using, a certain water right bearing date of priority of March 10, 1894, for 2.6 cubic feet per second of the waters of Big Lost River, County of Custer, State of Idaho, decreed to J. L. Anderson and James P. Anderson, by decree of Judge L. S. Farrington of the United States District Court in and for the District of Idaho, Eastern Division, in the case of BEAN CEMENT CO. v. J. L. ANDERSON, ET AL., said decree bearing date of March 15, 1923, for the purpose of irrigating the following described lands situate, lying and being in Water District No. 27-C in the County of Custer, State of Idaho, to-wit:

~~SE 1/4~~ of Section 5; ~~S 1/2~~SW 1/4 of Section 4; ~~NE 1/4~~NW 1/4 of Section 9, Township 6 North, Range 25 E.B.M.

And that said decree has been entered in the records of the Department of Reclamation of Idaho in Book 5 of Decrees at page 104, and that said Continental Life Insurance Company has become the owner thereof by foreclosure of mortgage.

That upon the application of Continental Life Insurance Company, H. A. Jones, Agent, for a transfer of 2.6 cubic feet per second made before the Commissioner of Reclamation of Idaho, and that said application having been granted, the right to the use of 2.6 cubic feet per second of the waters of upon the lands above described Big Lost River/ 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:

~~E 1/2~~SW 1/4 of Section 18; ~~E 1/2~~NW 1/4 Section 19; ~~NE 1/4~~SE 1/4 of Section 20, and ~~W 1/2~~SW 1/4 of Section 21, Township 9 North, Range 22 E.B.M. situate, lying, and being in Water District 27-A in the County of Custer, State of Idaho, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount,

to-wit:

2.6 cubic feet per second, dated March 15, 1923, with the following provisions:

That this transferred water right takes the same priority in right at all times that it took prior to this transfer; i.e. as though it were water below the Mackay Dam.

The water right hereby transferred has heretofore been diverted from said Big Lost River at a point in the SE $\frac{1}{4}$ of Section 6, Township 6 North, Range 25 E.B.M. through a ditch known as the Sutter ditch and will hereafter be diverted at a point in the SW $\frac{1}{4}$ of Section 1, Township 8 North, Range 21 E.B.M. through a ditch known as the Chilly ditch.

That, in addition to the foregoing right, the last above described lands have appurtenant to them 6.4 cubic feet per second dated November 1, 1900, and 4.8 cubic feet per second dated March 1, 1902, of the waters of Big Lost River, 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.

WITNESS the seal and signature of the Commissioner of Reclamation of Idaho affixed at Boise, this 18th day of November, 1932.

R. V. FARIS
Commissioner of Reclamation

By: 

Assistant Commissioner
of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of CONTINENTAL LIFE INSURANCE)
COMPANY, H. A. Jones, Agent, for)
a Transfer of Water, District)
No. 27-C)
-----)

ORDER GRANTING TRANSFER

WHEREAS, On the 7th day of November, 1932, at the Department of Reclamation of Idaho at Boise, Idaho, the matter of application of Continental Life Insurance Company, H. A. Jones, Agent, for a transfer of water right came on regularly for hearing, pursuant to the published notice; and

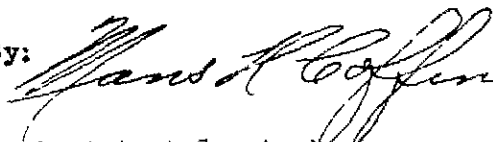
WHEREAS, No protest has been filed against the said application and the evidence filed by the applicant with its said application shows that a greater duty of water would result by reason of the transfer and that no one would be injured thereby;

IT IS THEREFORE HEREBY ORDERED, That the said application be, and the same is, hereby granted and that a certificate of transfer of water right be issued the applicant herein, as provided by the laws of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, this 18th day of November, 1932.

R. W. LEWIS
Commissioner of Reclamation

By:


Assistant Commissioner
of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
Transferred Right No. 516

THIS IS TO CERTIFY That Continental Life Insurance Company, P. A. Jones, Agent, Blackfoot, County of Blaine, State of Idaho, is the owner of, and using, a certain water right bearing date of priority of March 10, 1894, for 2.6 cubic feet per second of the waters of Big Lost River, County of Custer, State of Idaho, decreed to J. L. Anderson and James P. Anderson, by decree of Judge E. L. Harrington of the United States District Court in and for the District of Idaho, Eastern Division, in the case of *UTAH CATTLE COMPANY vs. JOHN P. ABBOTT, et al.*, said decree bearing date of March 10, 1923, for the purpose of irrigating the following described lands situate, lying and being in Water District No. 27-C in the County of Custer, State of Idaho, to-wit:

~~SE $\frac{1}{4}$~~ of Section 5; ~~SE $\frac{1}{4}$~~ of Section 4; ~~SE $\frac{1}{4}$~~ of Section 9, Township 6 North, Range 25 E.B.M.

And that said decree has been entered in the records of the Department of Reclamation of Idaho in Book 5 of Decrees at page 104, and that said Continental Life Insurance Company has become the owner thereof by foreclosure of mortgage.

That upon the application of Continental Life Insurance Company, H. A. Jones, Agent, for a transfer of 2.6 cubic feet per second made before the Commissioner of Reclamation of Idaho, and that said application having been granted, the right to the use of 2.6 cubic feet per second of the waters of upon the lands above described Big Lost River/ls 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:

~~SE $\frac{1}{4}$~~ of Section 18; ~~SE $\frac{1}{4}$~~ of Section 19; ~~NE $\frac{1}{4}$~~ of Section 20, and ~~W $\frac{1}{2}$~~ ~~SW $\frac{1}{4}$~~ of Section 21, Township 9 North, Range 22 E.B.M. situate, lying, and being in Water District 27-A in the County of Custer, State of Idaho, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount,

to-wit:

2.5 cubic feet per second, dated March 1, 1923, with the following provisions:

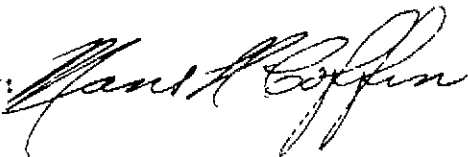
That this transferred water right takes the same priority in right at all times that it took prior to this transfer; i.e. as though it were water below the Mackay Dam.

The water right hereby transferred has heretofore been diverted from said Big Lost River at a point in the NE $\frac{1}{4}$ of Section 6, Township 6 North, Range 25 E.B.M. through a ditch known as the Butter ditch and will hereafter be diverted at a point in the NE $\frac{1}{4}$ of Section 1, Township 8 North, Range 21 E.B.M. through a ditch known as the Chilly ditch.

That, in addition to the foregoing right, the last above described lands have appurtenant to them 6.4 cubic feet per second dated November 1, 1900, and 4.8 cubic feet per second dated March 1, 1902, of the waters of Big Lost River, 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.

WITNESS the seal and signature of the Commissioner of Reclamation of Idaho affixed at Boise, this 18th day of November, 1932.

R. M. LARIS
Commissioner of Reclamation

By: 

Assistant Commissioner
of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of CONTINENTAL LIFE INSURANCE)
COMPANY, H. A. Jones, Agent, for)
a Transfer of Water, District)
No. 27-C)
-----)

WATER CARRIAGE TRANSFER

WHEREAS, On the 7th day of November, 1932, at the Department of Reclamation of Idaho at Boise, Idaho, the matter of application of Continental Life Insurance Company, H. A. Jones, Agent, for a transfer of water right came on regularly for hearing, pursuant to the published notice; and

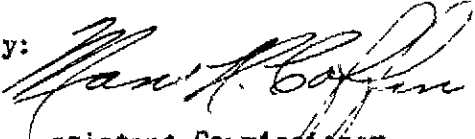
WHEREAS, No protest has been filed against the said application and the evidence filed by the applicant with its said application shows that a greater duty of water would result by reason of the transfer and that no one would be injured thereby;

IT IS THEREFORE ORDERED BY THE COMMISSIONER, that the said Application be, and the same is, hereby granted and that a certificate of transfer of water right be issued the applicant herein, as provided by the laws of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, this 18th day of November, 1932.

R. A. FARIS
Commissioner of Reclamation

By:


Assistant Commissioner
of Reclamation

IN EQUITY NO. 222

~~SECRET~~

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 S. Allen, Frank A. Allen, Gladys Allen, L. C. Allen, Richard Roe Alson, George L. Ambrose, Charles B. Anderson, Francis G. Anderson (or Francis C. Anderson, F. Gus Anderson (or F. G. Anderson or Gus Anderson,) H. W. Anderson, Hyrum Anderson, James E. Anderson, Jas. Earl Anderson, J. L. Anderson, James P. Anderson, Josephine Anderson, J. Wesley Anderson, Jos. W. Anderson (or J. W. Anderson), K. A. Anderson, Niels R. Anderson, Peter C. Anderson (or P. C. Anderson), S. W. Anderson, W. V. 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, 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 P. S. Lack,) as statutory trustees of Beck Land/Livestock Company, a defunct Idaho Corporation; William Beck, Beck Land and Livestock Company, an Idaho corporation; A. W. Bell, Lee Bell, John C. Bell, J. L. Bell, George Bennett (or George Bennetts), James Bennetts, P. 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), Tina Bitton (or Tina Britton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Heber G. Johnson); Charles H. Black, Mary E. Black, Nils S. Bladh (successor in interest of Ole Bills), John L. Blosser (or John L. Blasser), Henry Blattner, Lulu E. Bliss, Phillip R. Bliss, Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Joseph A. Bollin, Rhoda Boling, Rachael Boone, Wm. A. Boone, David D. 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. Hampton), I. M. 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 T. Braithwaite, H. C. Brake, William H. Brashear, H. P. Brereton, Charles B. ...

J. H. MILLER
PROPRIETOR

1894-March 10

No. 13

JOHN PHILLIPS

1885-October 1

No. 14

JOHN PHILLIPS
PROPRIETOR
1891-March 10

No. 15

WILLIAM D. MILLER

(a) 1901-March 10

No. 16

S. 34.0030

To be diverted from Big Lost River through the latter ditch having its point of diversion in the Southeast quarter of Section 8, Township 6 North, Range 26 East, R. 1., for the irrigation of the following described land, to-wit:

The South half of the southwest quarter of Section 4; the Southeast quarter of the Southeast quarter of Section 5; Northeast quarter of the Northwest quarter of Section 6, Township 6 North, Range 26 East, R. 1.

S. 34.0031

To be diverted from Big Lost River through the Ferris Ditch having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, R. 1., for the irrigation of the following described land, to-wit:

The South half of the Northwest quarter of the Southwest quarter and the South half of the Northeast quarter of the Southwest quarter of Section 3, Township 3 North, Range 27 East, R. 1.

S. 34.0032

To be diverted from Big Lost River through the Harper and Sullivan Ditch having its point of diversion in the Northwest quarter of Section 1, Township 5 North, Range 26 East, R. 1., for the irrigation of the following described land, to-wit:

The Northwest quarter; East half of the Northeast quarter; Southeast quarter of the Northeast quarter of Section 17, Township 4 North, Range 26 East, R. 1.

S. 34.0033

To be diverted from Big Lost River through the Lancy Ditch having its point of diversion in the Southeast quarter of Section 12, Township 3 North, Range 26 East, R. 1., for the irrigation of the following described land, to-wit:

The Northwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 19, Township 3 North, Range 27 East, R. 1.

S. 34.0034

(b) 1900-October 21 S. 34.0034 To be diverted from Big Lost River through the Lancy Ditch having its point of diversion in the Southeast quarter of Section 12, Township 4 North, Range 26 East, R. 1., for the irrigation of the following described land, to-wit:

Affidavit of Publication

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT.

Notice is hereby given that CONTINENTAL LIFE INSURANCE CO., H. A. JONES, AGT. of Blackfoot, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of two and six tenths (2.6) cubic feet per second of the water of Big Lost River from the land upon which it is now used, i. e. SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5; S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 4; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9; Twp. 6 N., R. 25 E. B. M. to the following described tract E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 18; E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20; W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 21, Twp. 9 N. R. 22 E. B. M.

And that, on the 7th day of November, A. D. 1932, 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.

O27-N3-24

State of Idaho, }
County of Custer. } ss

I, Dud Dillingham, Manager of the MACKAY MINER, a weekly newspaper of General Circulation published weekly at Mackay, Idaho, continuously since February 16, 1905, 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 2 consecutive weeks, commencing with the issue dated Oct 27, 1932, and ending with the issue dated Nov 3, 1932.

Dud Dillingham

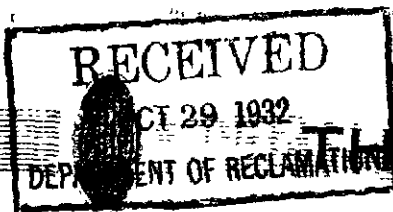
Subscribed and sworn to before me this _____ day of _____, 19____

W. J. Kellogg

Notary Public

Residence and P. O. Address, Mackay, Idaho.

My Comm. Expires Jan. 1, 1933.



IDAHO'S BEST WEEKLY
PUBLISHED THURSDAYS

THE MACKAY MINER

(ADVERTISING
JOB PRINTING)

MACKAY, IDAHO Oct. 28, 1932.

R. M. Farris,
Com. of Reclamation,
Boise,

Dear sir:- Received notice for publication for Continental Life Insurance Co. H. A. Jones, Blackfoot, agent to be published 2 consecutive weeks prior to Nov. 7, for which we thank you.

Under separate cover, am sending copy of first publication,

Respy Yours,
Pearl Dillingham,
The Mackay Miner.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date . October 18, 1932 . . .

The Mackay Miner
Mackay, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ~~four~~^{two} consecutive weeks prior to . . . **November 7, 1932** . . . , the date set for proof, the expense of the publication to be paid by the applicant. **Continental Life Insurance Company, H. A. Jones, Agent, Blackfoot, Idaho,**

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

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

Very truly yours,

R. W. PARIS

Commissioner of Reclamation

By:

Wm H Coffin
Assistant Commissioner
of Reclamation

RECORDED

Notice of Proposed Transfer of Water Right

Notice is hereby given that CONTINENTAL LIFE INSURANCE CO., H. A. JONES, AGT. of Blackfoot
Idaho has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of two and six tenths (2.6) cubic feet per second
 of the water of Big Lost River

from the land upon which it is now used, i. e. SE $\frac{1}{4}$ Sec. 3; Sec. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 4; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9;
Twp. 6 N., R. 25 E. B. M.

to the following described tract E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 18; E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20; W $\frac{1}{2}$ SW $\frac{1}{4}$
Sec. 21, Twp. 9 N. R. 22 E. B. M.

And that, on the 7th day of November, A. D.
 1952 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. E. FARIS

Commissioner of Reclamation.

ROY W. THOMPSON

WATER COMMISSIONER FOR
BIG LOST RIVER

MACKAY, IDAHO

Oct. 11, 1932

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

Dear Mr. Faris:

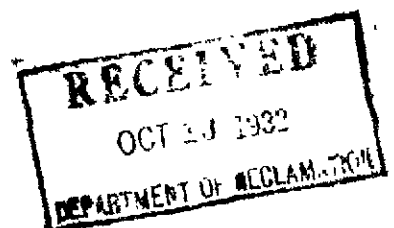
Enclosed herewith is an application of transfer of water right, Applicant, Continental Life Ins. Co. by H.A. Jones, Special Agent. This application was handed me last fall for approval. I refused to sign it for the reason that water rights should not be transferred from below to above the Mackay Dam, and vice versa on account of part time the two sections of the river are administered as separate streams. For example during the season of 1931 this 1894 right was never on below the dam while the same right was on all season above the dam in the Chilly Canal, except for a period of about six days.

However I have been asked again to approve the same transfer, with the following provision, "That the transferred water right take the same priority above the Mackay Dam, at all times as rights below the Dam",

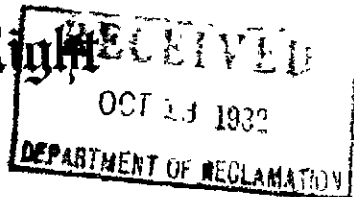
I see no valid reason why I should not approve the transfer, with the above provision, although it has objectionable features, one is that a transfer of this kind has not been done before, and another is that the provision could easily become detached in latter years making it a permanent and valuable right.

Very truly yours,

Roy W. Thompson
Water Commissioner



Application For Transfer of Water Right



STATE OF IDAHO,

County of Custer

SS.

H. A. Jones, Special Agent for Continental Life Insurance Co.

being first duly sworn, deposes and says:

That his name is H. A. Jones; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Blackfoot, Idaho

That he is the owner and using a certain water right, bearing date of priority of March 10, 1894, for 2 6/10 cubic feet per second of the waters of Big Lost River

County of Custer, State of Idaho, decreed to G. L. Anderson and wifeby decree of Judge, E. S. Harrington of the U. S. Judicial District of the State ofIdaho, Eastern Division, in the case of Utah Construction Co.vs. John F. Abbott et al., said decree bearing date of March 15, 1923

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

dated _____, 19____, bearing date of priority of _____, 19____)

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. 274 in the County of Custer and State of Idaho, to-wit: SE 1/4 SE 1/4

of Sec. 5, 3 1/2 of SW 1/4 Sec 4, NE 1/4 NW 1/4 of
Sec. 9, Twp 6 N. Range 25 E. B.M.

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. by mortgage + purchase

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

That said waters are now diverted from said stream in the Southeast quarter of Section Six (6), Township 6 North, Range 25 East, B. M., and conducted to the above described lands through the Sutter Ditch

as per map herewith and of this affidavit made a part; 2.6 cu ft. March 10, 1894

That affiant and petitioner desires to abandon the use of 2 6/10 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Custer and State of Idaho, to-wit:

The East half Southwest Quarter (E 1/2 SW 1/4) of Section
Eighteen (18) East half of NW 1/4 (E 1/2 NW 1/4) of Sec. 19, NE 1/4 SE 1/4
of Sec 20 and W 1/2 SW 1/4 of Sec 21, Twp 9 N. Range 22 E. B.M.

That his reasons for desiring to make such transfer are as follows: Insufficient water right for either property necessitates combining the two to make a dwp.

That he intends to divert and convey said 2 $\frac{6}{10}$ second feet of water to the tract of land last above described in the following manner, to-wit: To be diverted from Big Lost River through the Chulley Ditch, having its point of diversion in the Southwest quarter of Section One (1), Township 8 North, Range 21 E. B.M.

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

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

H.A. Jones, Special Agent
Continental Life Insurance Co. Applicant.

Subscribed and sworn to before me this 17th day of November, A. D. 1921.

George J. Henderson
Notary Public, Mackay, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Big Lost River
Where is the diversion point located? S E $\frac{1}{4}$ Sec 6, Twp. 6 N - R. 25 E B.M.
Through what ditch is it now conducted? Sutter Ditch
How much land is now irrigated by the water sought to be transferred? 120 acres
Give the description:

What is the total amount of water in inches, or second feet, dedicated to said land? 2 $\frac{6}{10}$ second feet
What kind of crops are being raised? Unable to raise crops on account of gravelly soil and insufficient water supply
How much water per acre is now required to irrigate said land? More than the decreed right
What will be the effect on the land now irrigated, if the use of water on it is discontinued? Has already been abandoned

Give location of new point of diversion, if change is to be made. S W $\frac{1}{4}$ Sec 1, Twp 8 N - R 25 E B.M.
Through what ditch will it be conducted after transfer? Chulley Ditch
How much water will be required per acre to irrigate the land to which this water is transferred? 2 inches per acre
Do you claim any other water right for the land from which you seek to abandon the use of this water?
If so, give amount, date and source. No.

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. Yes, 320 inches - Nov 1, 1900, 240 inches - Mar. 1, 1902 which is

very low and insufficient

Signed H.A. Jones, Spec. Agt
Continental Life Ins. Co. Applicant.

STATE OF IDAHO,

County of Custer

SS.

Lamoy Reay and W. A. Benson
being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Mackay, Idaho
that he is a user of water from Big Lost River, in Water District No. 27C
County of Custer, State of Idaho; that he has read or heard read the foregoing affidavit and petition of H. A. Jones and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this

17th day of November

A. D. 1931

George J. Thompson
Notary Public for Idaho
My Comm. Expires Oct. 6, 1932

STATE OF IDAHO,

County of Custer

SS.

I, Ray W. Thompson, Watermaster of Big Lost River
Water District No. 27-A & C County of Custer, State of Idaho, whose postoffice address is Mackay, Idaho, have read or heard read the foregoing affidavit and petition of Continental Life Insurance Co.
by H. A. Jones, Special Agent., 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: Greater beneficial use.
Approved only, with the following proviso, That this transferred water right
take the same priority in right at all times, as water rights below Mackay Dam.

Watermaster Dist. No. 27-A & C

Dated at Mackay, Idaho, this Eleventh day of October, 1932.

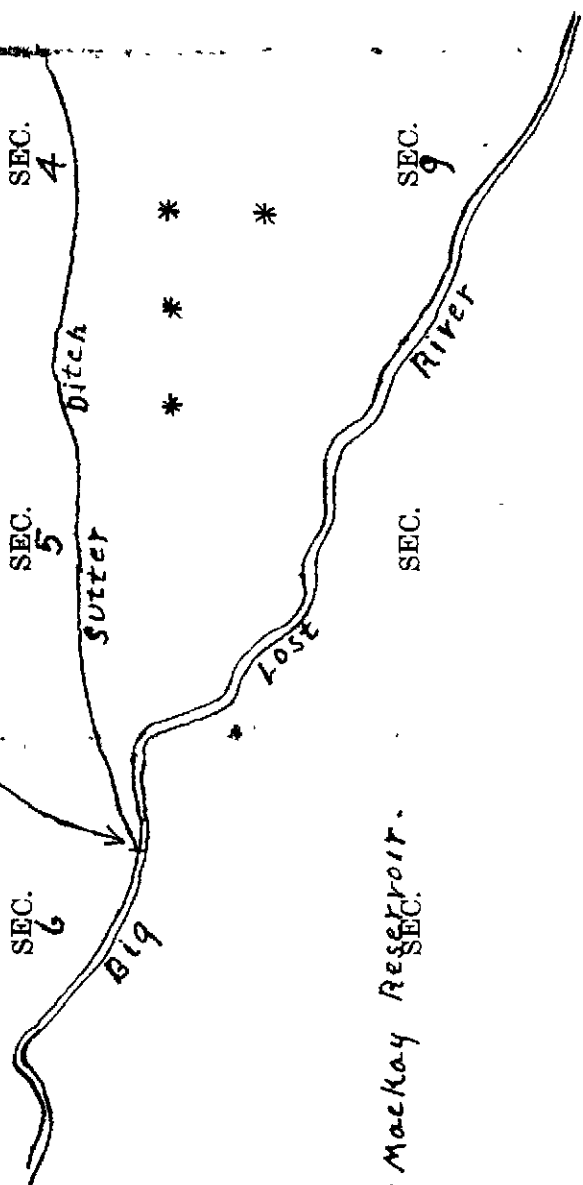
UNRECORDED

Transferred From

6 N. 2 3/4 E. B.M.

* Land Location.

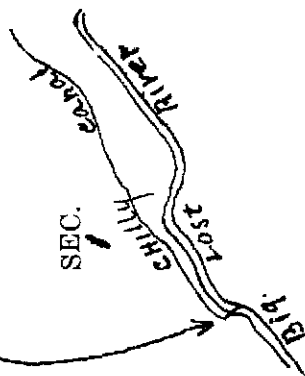
Point of Diversion



Below Mackay Reservoir.

Transferred To

Point of Diversion SW 1/4 Sec. 1-8 N. 21 E



Above Mackay Reservoir

Transferred To

Above Mackay Reservoir 9 N. 22 E. B.M.

X = Land Location.

