

CH 8008 / 00

Law Offices of

C. WALKER LYON

SALMON, IDAHO

SKyline 6-2814

Viel Building

March 27, 1961

RECEIVED
MAR 29 1961

Department of Reclamation

Mr. Geo. N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Transfer of Water Rights
Nos. 953 and 954
Russell Yearian and
F. W. Hammer

Dear Mr. Carter:

Just realized that I had never forwarded
to the additional \$1.00 statutory fee for recording
the Certificate of Water Right No. 954. Sorry this
inclosed check was not mailed to you more promptly.

Sincerely,



11

Incl.

Viel Building

Law Offices of
C. WALKER LYON
SALMON, IDAHO

2 / 05 Cl. Encl.
RECEIVED
FEB 10 1961 SKYLINE 6-2814
Department of Reclamation

February 9, 1961

Mr. Roy W. Thompson, Supervisor
Water Distribution
Department of Reclamation
Statehouse
Boise, Idaho

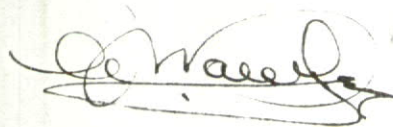
Re: Transfer Water Right-
Russell Yearian and F. W. Hammer

Dear Mr. Thompson:

Inclosed herewith is affidavit of publication of the notice of proposed transfer of water right heretofore published in the Recorder Herald, Salmon, Idaho, September 1st and 8th, 1960, together with my check in the amount of \$1.00 for recording fees.

If there is anything further you desire in the matter of this transfer please write me. We wish to thank you for your kind cooperation in this matter.

Sincerely,



CWL:li

Incls.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Pyeatt, Leo	2.4		74-0314
954	Yearian, Russell & Hanmer, F. W.	2.4	0	74-0314A

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WILSON

T

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 954

THIS IS TO CERTIFY, That Russell Yearian and F. W. Hammer, whose address is c/o C. Walker Lyon, Attorney at Law, Salmon, Idaho, are the owners of and using a certain water right of 2.4 cubic feet per second of the waters of Yearian Creek with priority of January, 1909; said water being decreed to Leo Pyett by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of

ELIZABETH YEARIAN, et al
Plaintiffs

vs.

LEO PYETT, et al
Defendants

Said decree bearing date of June 28, 1912, for the purpose of irrigating the following described lands situate, lying, and being in Water District No. 79-E, in the County of Lemhi, State of Idaho, to-wit:

W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3,
Township 17 North, Range 24
E. B. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, at Page 415 thereof;

And that said Russell Yearian and F. W. Hammer, whose address is c/o C. Walker Lyon, Attorney at Law, Salmon, Idaho, have become the owners of said right by mesne conveyance;

And that now upon the application of Russell Yearian and F.W.Hammer whose address is c/o C. Walker Lyon, Attorney at Law, Salmon, Idaho, for the transfer of 2.4 cubic feet per second, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 2.4 cubic feet per second of the waters of Yearian Creek upon the above described lands is hereby abandoned, and the place of use of said water under said right is HEREBY CONFIRMED, shall by this Certificate become appurtenant for irrigation and domestic purposes, is described as follows, to-wit:

W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33,
Township 18 North, Range 24
E. B. M.,

That said water is 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:

2.4 cubic feet per second of
the waters of Yearian Creek
with priority of January, 1909;

RECORDED

And that the water right hereby transferred has heretofore been conducted from Yearian Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 18 North, Range 24 E.B.M., and delivered through private ditches;

That the water right hereby transferred will hereafter be conducted to the last above described lands from Yearian Creek with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 18 North, Range 24 E.B.M.,

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 23rd day of February, 1961.

GEO. N. CARTER
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION.

In the Matter of the Application of
Russell Yearian and F. W. Hammer,
c/o C. Walker Lyon, Attorney at Law,
Salmon, Idaho,

For a Transfer of Water Right in
Water District No. 79-E, County of
Lemhi

ORDER GRANTING TRANSFER

NO. 954

WHEREAS, on the 16th day of September, 1960, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Russell Yearian and F. W. Hammer, whose address is c/o C. Walker Lyon, Attorney at Law, Salmon, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 23rd day of February, 1961.

GEO. N. CARTER
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 954

THIS IS TO CERTIFY, That Russell Yearian and F. W. Hanmer, whose address is c/o C. Walker Lyon, Attorney at Law, Salmon, Idaho, are the owners of and using a certain water right of 2.4 cubic feet per second of the waters of Yearian Creek with priority of January, 1909; said water being decreed to Leo Pyeatt by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of

ELIZABETH YEARIAN, et al
Plaintiffs

vs.

LEO PYEATT, et al
Defendants

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W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3,
Township 17 North, Range 24
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That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, at Page 415 thereof;

And that said Russell Yearian and F. W. Hanmer, whose address is c/o C. Walker Lyon, Attorney at Law, Salmon, Idaho, have become the owners of said right by mesne conveyance;

And that now upon the application of Russell Yearian and F.W.Hanmer whose address is c/o C. Walker Lyon, Attorney at Law, Salmon, Idaho, for the transfer of 2.4 cubic feet per second, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 2.4 cubic feet per second of the waters of Yearian Creek upon the above described lands is hereby abandoned, and the place of use of said water under said right is HEREBY CONFIRMED, shall by this Certificate become appurtenant for irrigation and domestic purposes, is described as follows, to-wit:

W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33,
Township 18 North, Range 24
E. B. M.,

That said water is 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:

2.4 cubic feet per second of
the waters of Yearian Creek
with priority of January, 1909;

And that the water right hereby transferred has heretofore been conducted from Yearian Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 18 North, Range 24 E.B.M., and delivered through private ditches;

That the water right hereby transferred will hereafter be conducted to the last above described lands from Yearian Creek with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 18 North, Range 24 E.B.M.,

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 23rd day of February, 1961.

GEO. N. CARTER
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Russell Yearian and F. W. Hanmer,
c/o C. Walker Lyon, Attorney at Law,
Salmon, Idaho,

For a Transfer of Water Right in
Water District No. 79-E, County of
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WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 23rd day of February, 1961.

GEO. N. CARTER
State Reclamation Engineer

74-T

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF LEMHI.

Elizabeth Yearian, Thomas
H. Yearian and Emma Yearian,
Plaintiffs,

vs

Leo Pyeatt, Virgia Pyeatt,
Arthur E. Ferguson, James
Melvyn and Lee Kennison,
Defendants.

D E C R E E

This cause having come on to be heard on the 17th day of June, 1912, before the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, sitting without a jury, E. J. Cowen, Esq., appearing as counsel for the plaintiffs, and John H. Padgham, Esq., appearing as counsel for the defendants Leo Pyeatt, Virgia Pyeatt and Lee Kennison, and the defendants, Arthur E. Ferguson and James Melvyn, appearing in person; and the Court having heard the testimony of the witnesses and the proofs of the various parties herein, and having heretofore filed its findings of fact and conclusions of law therefrom, and the Court being fully advised in the premises, now makes and files its judgment and decree in accordance with the said findings and conclusions, and orders, adjudges and decrees as follows:

I

74-8311

It is ordered, adjudged and decreed that the plaintiff, Elizabeth Yearian is entitled to the use of 225 inches, or 4½ cubic feet per second of time of the flow of the waters of Yearian Creek, in the County of Lemhi, State of Idaho, for the irrigation and cultivation of Lots 2, 3, and 4, of Section 4, in Township 17 North, Range 24 East of the Boise Meridian; and the Southeast Quarter of the Northwest quarter, the North Half of the Southwest

Trans 35-10311

quarter, the Southeast quarter of the Southwest quarter, and the West half of the Southeast quarter of Section 33, in Township 18 North, Range 24 East of the Boise Meridian, to which lands the said water right be appurtenant; her right to the use of such water to date from the first day of June, 1874.

II

74 0312 It is ordered, adjudged and decreed that the plaintiff, Thomas H. Yearian, is entitled to the use of 95 inches or $1 \frac{9}{10}$ cubic feet per second of time of the flow of the waters of Yearian Creek, in the County of Lemhi, State of Idaho, for the irrigation and cultivation of Lots 6 and 7, and the West Half of the Southeast quarter of Section 4, Township 17 North, Range 24 East, of the Boise Meridian, also of Lots 3 and 4, and the Southwest quarter of the Northwest quarter of Section 3, and Lots 1 and 5 of Section 4, Township 17 North, Range 24, East of the Boise Meridian, to which lands the said water right be appurtenant; his right to the use of such water, to date from the first day of June, 1888.

III

74 0313 It is ordered, adjudged and decreed that the plaintiff, Emma Yearian, is entitled to the use of 30 inches, or $\frac{3}{5}$ cubic feet per second of time of the flow of the waters of Yearian Creek, in the County of Lemhi, State of Idaho, for the irrigation and cultivation of the South Half of the Northwest quarter, the Southwest quarter of the Northeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section 4, Township 17 North, Range 24, East of the Boise Meridian, to which lands the said water right be appurtenant; her right to the use of such water, to date from the first day of June, 1890.

IV

74 0314 It is ordered, adjudged and decreed that the defendant, Leo Pycatt, is entitled to the use of 120 inches, or $2 \frac{2}{5}$ cubic feet per second of time of the flow of the waters of Yearian Creek, in the County of Lemhi, State of Idaho, for the irrigation and cul-

*934
74 0315
tivation of the West Half of the Southeast quarter, and the Northeast quarter of the Southwest quarter of Section 3, in Township 17 North of Range 24, East of the Boise Meridian, to which lands the said water right be appurtenant; his right to the use of such water, to date from the day of January, 1909.

V

It is ordered, adjudged and decreed that the defendant, Lee Kennison, is entitled to the use of 120 inches, or $2 \frac{1}{5}$ cubic feet per second of time of the flow of the waters of Yearian Creek, in the County of Lemhi, State of Idaho, for the irrigation and cultivation of the South Half of the Southeast quarter of Section 34, and the Southwest Quarter of the Southwest quarter of Section 35, in Township 18 North of Range 24 East of the Boise Meridian, to which lands the said water right be appurtenant; his right to the use of such water to date from d day of October, 1909.

VI

74 0316 It is ordered, adjudged and decreed that the defendant, Arthur E. Ferguson, is entitled to the use of 212 inches, or $4 \frac{6}{25}$ cubic feet per second of time of the flow of the waters of Yearian Creek, in the County of Lemhi, State of Idaho, for the irrigation and cultivation of Lots 1 and 2, South Half of the Northeast Quarter of Section 33, and Lot 4, Southwest Quarter of the Northwest Quarter of Section 34, Township 18 North of Range 24 East of the Boise Meridian, to which lands the said water right be appurtenant; his right to the use of such water to date from the day of 1909.

VII

74 0317 It is ordered, adjudged and decreed that the defendant, James Melvyn, is entitled to the use of 160 inches, or $3 \frac{1}{5}$ cubic feet per second of time of the flow of the waters of Yearian Creek, in the County of Lemhi, State of Idaho, for the irrigation and cultivation of the Southeast quarter of the Southwest quarter and the South Half of the Southeast quarter of Section 35, Town-

March 29, 1961

Re: Transfer of Water Right Non. 953 (P. 954)
Russell Yearian & F. W. Hammer

Mr. C. Walker Lyon,
Attorney at Law,
Viel Building,
Salmon, Idaho.

Dear Mr. Lyon:

We enclose Departmental Receipt No. 30507 which
was issued covering payment in the amount of \$1.00 for
the recording fee of the above mentioned Transfer of
Water Right.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
RWT:pmk

MICROFILMED

Law Offices of
C. WALKER LYON
SALMON, IDAHO

Viel Building

SKyline 6-2814

March 27, 1961

RECEIVED
MAR 29 1961

State of Reclamation

Mr. Lee N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Transfer of Water Rights
Nos. 953 and 954
Russell Yeaman and
P. L. Warner

Dear Mr. Carter:

Just realized that I had never forwarded
to the additional \$1.00 statutory fee for recording
the Certificate of Water Right No. 954. Sorry this
inclosed check was not mailed to you more promptly.

Sincerely,



15

Encl.

February 23, 1961

Re: Transfer of Water Rights
Nos. 953 and 954
Russell Yearian & F. W. Hammer

Mr. C. Walker Lyon,
Attorney at Law,
Viel Building,
Salmon, Idaho.

Dear Mr. Lyon:

We are enclosing Certificates of Water Right Transferred Rights Nos. 953 and 954, together with Departmental Receipt No. 30465, which was issued covering payment in the amount of \$1.00 for the recording fee of Certificate No. 953.

Inasmuch as the statutory fee is \$1.00 for the recording of a Transfer of Water Right, there will be an additional \$1.00 due for the recording of Certificate of Water Right No. 954, which you may remit to the Department of Reclamation.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
RWT:pmk

cc: I. K. Ohman, Watermaster ✓
Water District No. 79-E
Leadore, Idaho

RECORDED

February 23, 1961

Re: Transfer of Water Rights
Nos. 953 and 954
Russell Yearian & F. W. Hanmer

Mr. C. Walker Lyon,
Attorney at Law,
Viel Building,
Salmon, Idaho.

Dear Mr. Lyon:

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Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
RWT:pmk

cc: L. K. Ohman, Watermaster
Water District No. 79-E
Leadore, Idaho

RECEIVED
FEB 24 1961
WATER DIVISION

Vial Building

Law Offices of
C. WALKER LYON
SALMON, IDAHO

RECEIVED
FEB 10 1961 SKYLINE 6-2814
Department of Information

February 9, 1961

Mr. Roy W. Thompson, Supervisor
Water Distribution
Department of Reclamation
Statehouse
Boise, Idaho

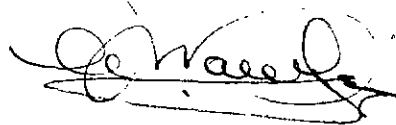
Re: Transfer Water Right-
Russell Yearian and F. W. Hamner

Dear Mr. Thompson:

Inclosed herewith is affidavit of publication of the notice of proposed transfer of water right heretofore published in the Recorder Herald, Salmon, Idaho, September 1st and 8th, 1960, together with my check in the amount of \$1.00 for recording fees.

If there is anything further you desire in the matter of this transfer please write me. We wish to thank you for your kind cooperation in this matter.

Sincerely,



CWL:li

Incls.

1961 FEB 10 1961

APPLICATION FOR TRANSFER OF WATER RIGHT

APR 23 1960
Department of Reclamation

STATE OF IDAHO)
) ss
COUNTY OF LEMHI.)

RUSSELL YEARIAN AND F. W. HANMER, being first duly sworn, depose and say:

That we, and each of us, is of lawful age and a citizen of the United States and of the State of Idaho, with post office address: c/o C. Walker Lyon, Salmon, Idaho,

That the said F. W. Hanmer is the duly authorized agent by Articles of Agreement dated January 1, 1960, of Edwina Y. Nichols, Madge Y. Wilson, Helen Y. Hanmer, Russell Yearian and Thomas Savage, who are the owners and have the right to the use of that certain water right bearing date of priority of June 1, 1874, for $4\frac{1}{2}$ cubic feet per second (225 inches) of the waters of Yearian Creek, County of Lemhi, State of Idaho, decreed to Elizabeth Yearian by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho in and for the County of Lemhi, in the case of Elizabeth Yearian et al, vs. Leo Pyeatt et al, said decree bearing date of June 28, 1912, for the purpose of irrigating the following described lands situate, lying and being in an unorganized water district in the County of Lemhi, State of Idaho, to wit:

Lots Two (2), Three (3), and Four (4) of Section Four (4), in Township Seventeen (17) North, Range Twenty-four (24) East of the Boise Meridian; and the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), North Half of the Southwest Quarter ($N\frac{1}{2}SW\frac{1}{4}$), and the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), and the West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$), of Section Thirty-three (33), in Township Eighteen (18) North, Range Twenty-four (24) East of the Boise Meridian.

MICROFILMED

That Russell Yearian is the owner and has the right to the use of that certain water right, bearing date of priority of January, 1909, for 2 2/5 cubic feet per second (120 inches) of the waters of Yearian Creek, County of Lemhi, State of Idaho, decreed to Leo Pyeatt by decree of Judge J. M. Stevens, of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of Elizabeth Yearian et al, vs. Leo Pyeatt et al, said decree bearing date of June 28, 1912, for the purpose of irrigating the following described lands situate, lying and being in an unorganized Water District in the County of Lemhi and State of Idaho, to wit:

West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$), and the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), of Section Three (3), in Township Seventeen (17) North of Range Twenty-four (24) East of the Boise Meridian.

That said owners became such by reason of lawful conveyance made to them, the record thereof being recorded upon the Official Records of Lemhi County, Idaho, to which record reference is hereby made for proof of ownership.

That the owners, Edwina Y. Nichols, Madge Y. Wilson, Helen Y. Hammer, Russell Yearian and Thomas Savage desire to transfer said 225 inch right of Yearian Creek water to Russell Yearian, who will divert the same in the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section Thirty-five (35), Township 18 North of Range 24 East of the Boise Meridian, and use such water upon the following property, which requires at least one inch per acre for irrigation, situated in the County of Lemhi, State of Idaho, to wit:

Lot Four (4), Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), of Section Two (2); and the South Half of the Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$), the West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), of Section Three (3); all in Township Seventeen (17) North of Range Twenty-four (24) East of the Boise Meridian.

That the owner, Russell Yearian, desires to transfer said 120 inch right of Yearian Creek water to Edwina Y. Nichols, Madge Y. Wilson, Helen Y. Hammer, Russell Yearian and Thomas Savage, who will divert the same in the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$), of Section Thirty-four (34), Township 18 North of Range 24 East of the Boise Meridian, and use such water upon the following property, which requires at least one inch per acre for irrigation, situated in the County of Lemhi, State of Idaho, to wit:

West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$), Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), of Section Thirty-three (33), in Township Seventeen (17) North of Range Twenty-four (24) East of the Boise Meridian.

That no other parties will be injured or affected by the herein petitioned transfers as applicants are the only users of the waters of said Yearian Creek.

That the reason for the transfers is that during the growing season of the year 1941, such exchange of rights was verbally made and said water has been exchanged and used as herein applied for since such year, but no official record has ever been made.

That during said year 1941 and thereafter the said land for which the 225 inch first water right was first decreed has been partially irrigated by the waters of the Lemhi River, Lemhi County, Idaho.

That attached hereto and made a part of this application is a map of the affected land and the points of diversion, and the applicants hereby refer to said June 28, 1912, decree, which is of record and on file with the Department of Reclamation of the State of Idaho and it is made a part hereof by reference.

That the effect of the granted application is to cause Russell Yearian to have the first decreed right of Yearian Creek for his land herein described for 225 inches of water, and because the applicants herein, Edwina Y. Nichols, Helen Y. Hanner, Russell Yearian and Thomas Savage, now own the second right of said creek for 95 inches with date of priority of June 1, 1888, and also the third right for the use of 30 inches of said water of Yearian Creek with the date of priority of June 1, 1890, and together with the herein transfer of said 120 inches, they will be the only other users of the waters of said Yearian Creek and do and will use the entire balance of the waters thereof.

WHEREFORE, partners pray that the State Reclamation Engineer of the State of Idaho issue the proper certificates authorizing the transfer of the water rights herein requested, all in accordance with the statutes of the State of Idaho.

Russell Yearian (SEAL)

F. W. Hanner (SEAL)

Subscribed and sworn to before me this 18th day
of August, 1960.

[Signature]
Notary Public for the State of Idaho
Residing at Salmon, Idaho