

NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT

Notice is hereby given that Russell Yearian and F. W. Hammer, address care of C. Walker Lyon, Attorney at Law, Salmon, Idaho, have applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and place of use of the waters of Yearian Creek. Amount: 4.50 cubic feet per second with priority of June 1, 1874. Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 18 North, Range 24 E. B. M. Place of use being described as follows, to-wit: Lots 2, 3 and 4 in Section 4, Township 17 North, Range 24 E. B. M., SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 33, Township 18 North, Range 24 E. B. M.,

To Be Transferred to

Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 18 North, Range 24 E. B. M., Place of use described as follows, to-wit: Lot 4—SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, 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.,

and

2.4 cubic feet per second of the waters of Yearian creek with priority of January, 1909, with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 18 North, Range 24 E. B. M., with place of use 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.,

To Be Transferred to

Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 18 North, Range 24 E. B. M., to lands 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.

And that on the 16th day of September, 1960, at 2:00 o'clock P. M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

GEO. N. CARTER

State Reclamation Engineer
No. 15 9-1 to 9-8 2 to

Affidavit of Publication

STATE OF IDAHO } ss.
County of Lemhi }

RECEIVED
FEB 10 1961
Department of Reclamation

Larry V. Robinson, being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Proposed Transfer of Water Right

is a true
printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two (2)
consecutive issues, commencing with the issue dated Sept. 1, 1960
and ending with the issue dated Sept. 8, 1960

Larry V. Robinson

Subscribed and sworn to before me, this 9th
day of February, 1961

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

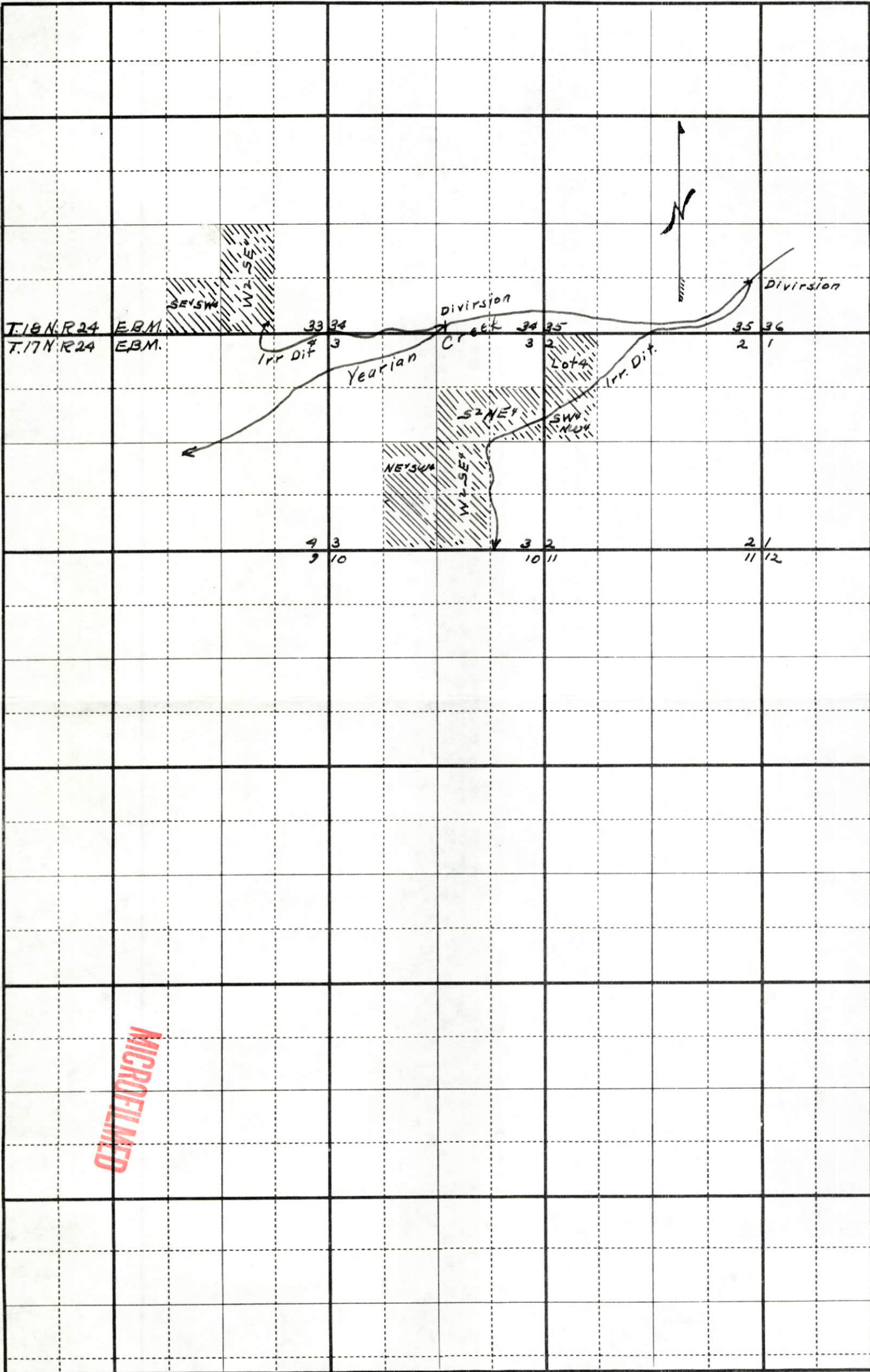
Publication Fee \$ 15.60

Transfer

NAME OF APPLICANT

Russell Yearian - F. W. Homer

Form No. 0



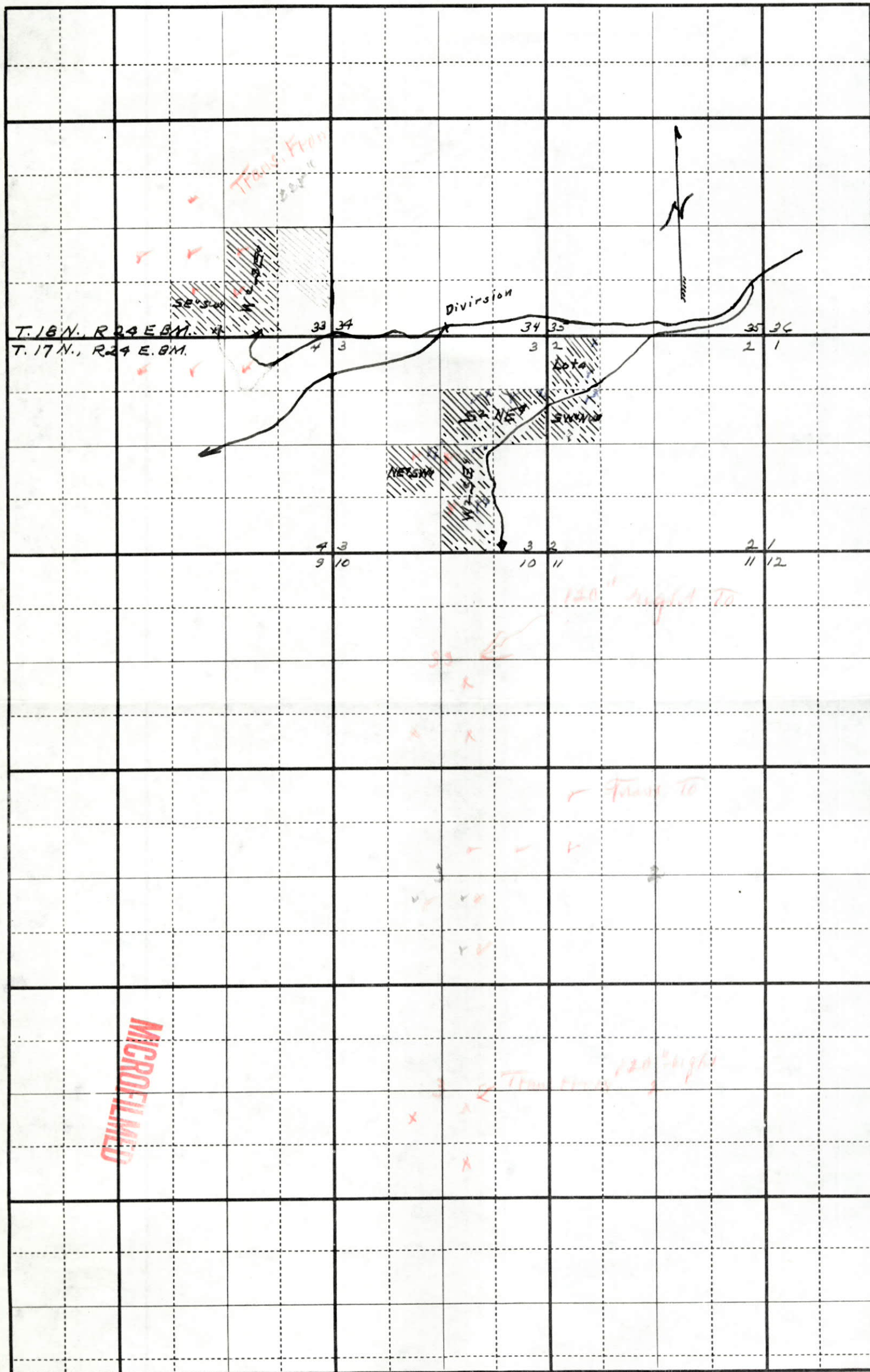
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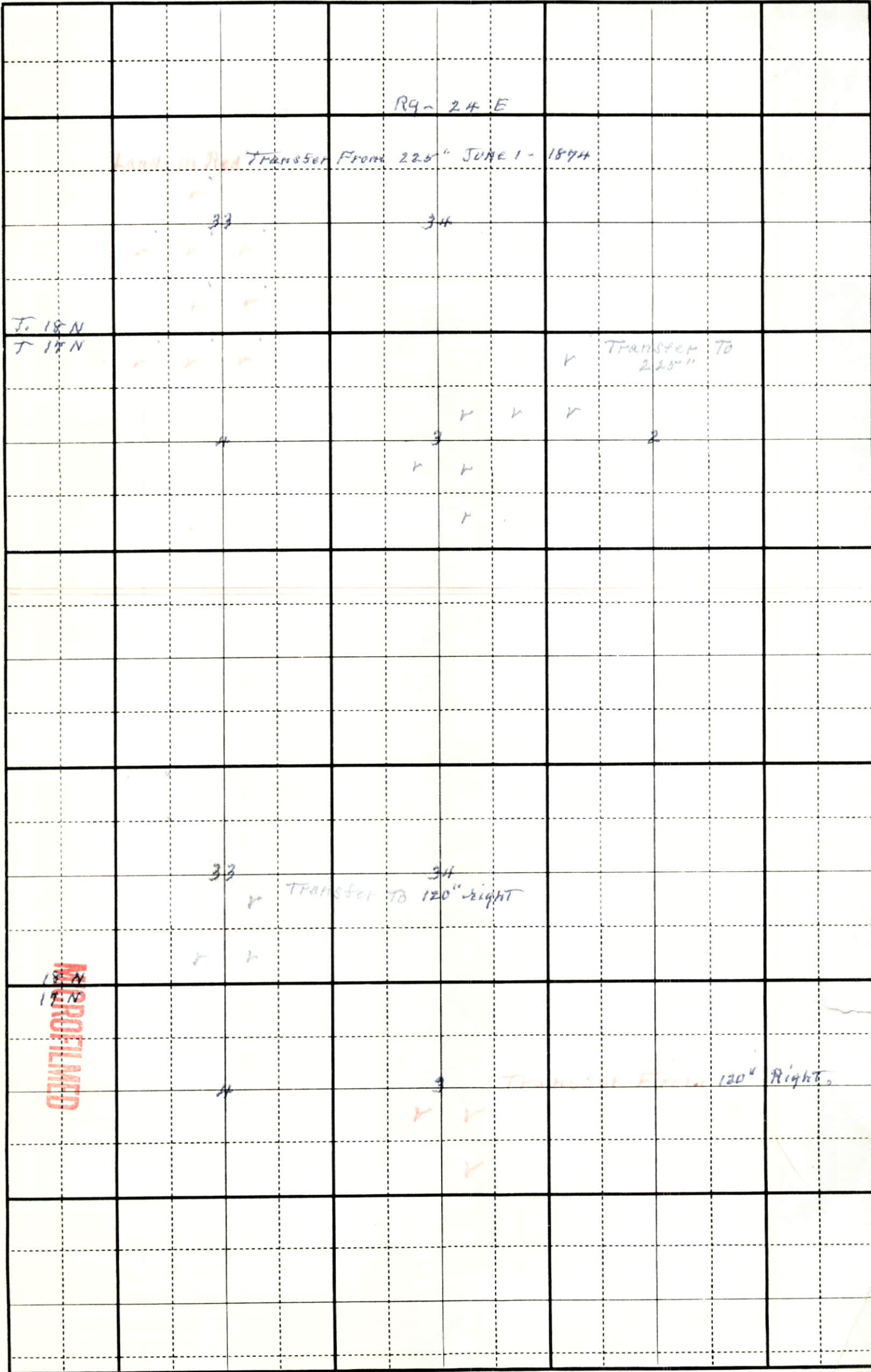
Transfer

NAME OF APPLICANT

Russe Yearian - F. W. Hammer

Form No. 0





TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Yearian, Elizabeth	4.5		74-0311
953	Yearian, Russell & Hanmer, F. W.	4.5	0	74-0311A

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STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 953

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 4.50 cubic feet per second of the waters of Yearian Creek with priority of June 1, 1874; said water being 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
Plaintiffs

vs.

LEO PYEATT, 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:

Lots 2, 3, and 4, in
Section 4, Township 17
North, Range 24 E.B.M.,

SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 33, Town-
ship 18 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 4.50 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 4.50 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:

Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2,
S $\frac{1}{2}$ NE $\frac{1}{4}$, 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 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:

4.50 cubic feet per second of
the waters of Yearian Creek
with priority of June 1, 1874;

And that the water right hereby transferred has heretofore been conducted 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., 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, 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. M. 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. 953

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. 953

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 4.50 cubic feet per second of the waters of Yearian Creek with priority of June 1, 1874; said water being 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
Plaintiffs

vs.

LEO PYEATT, 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:

Lots 2, 3, and 4, in
Section 4, Township 17
North, Range 24 E.B.M.,

SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 33, Town-
ship 18 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 4.50 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 4.50 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:

Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2,
S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec-
tion 3, Township 17 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:

4.50 cubic feet per second of
the waters of Yearian Creek
with priority of June 1, 1874;

And that the water right hereby transferred has heretofore
been conducted 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., 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, 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, 1901.

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)

ORDER GRANTING TRANSFER

NO. 953

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

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

Recorded

74-T

77E7

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

D E C R E E

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

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, W. J. Coven, 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 0311

It is ordered, adjudged and decreed that the plaintiff, Elizabeth Yearian is entitled to the use of 225 inches, or $4\frac{1}{2}$ 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

RECORDED

Trans 253

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 Pyeatt, 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-

March 29, 1961

Re: Transfer of Water Right Nos. 953 & 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

CF Encl # 100

Law Offices of
C. WALKER LYON
SALMON, IDAHO

Viel Building

SKyline 6-2814

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. Hanmer

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,



li

Incl.

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 Right 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

\$ / 00 of Encl.

Law Offices of
C. WALKER LYON
SALMON, IDAHO

RECEIVED
FEB 1 0 1961 SKYLINE 6-2814
Department of Reclamation

Viel Building

February 9, 1961

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

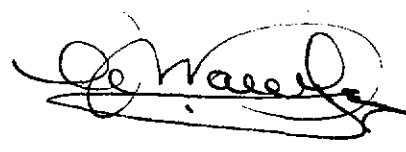
Re: Transfer Water Right-
Russell Yearian and F. W. Hanmer

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.

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

C
O
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RECEIVED
FEB 24 1961
WATER DISTRICT NO. 79-E
LEADORE, IDAHO

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Russell Yearian and F. W. Hammer, address care of C. Walker Lyon, Attorney at Law, Salmon, Idaho, have applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and place of use of the waters of Yearian Creek. Amount: 4.50 cubic feet per second with priority of June 1, 1874. Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 18 North, Range 24 E. B. M. Place of use being described as follows, to-wit: Lots 2, 3 and 4 in Section 4, Township 17 North, Range 24 E. B. M., SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 33, Township 18 North, Range 24 E. B. M.,

To Be Transferred to

Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 18 North, Range 24 E. B. M., Place of use described as follows, to-wit: Lot 4—SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, 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.,

and

2.4 cubic feet per second of the waters of Yearian creek with priority of January, 1909, with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 18 North, Range 24 E. B. M., with place of use 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.,

To Be Transferred to

Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 18 North, Range 24 E. B. M., to lands 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.

And that on the 16th day of September, 1960, at 2:00 o'clock P. M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

GEO. N. CARTER

State Reclamation Engineer
No. 15 9-1 to 9-8 2 to

Affidavit of Publication

RECEIVED
FEB 1 0 1961

Department of Reclamation

STATE OF IDAHO } ss.
County of Lemhi }

Larry V. Robinson

, being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Proposed Transfer of Water Right

_____ a true
printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two (2)
consecutive issues, commencing with the issue dated Sept. 1, 1960
and ending with the issue dated Sept. 8, 1960

Larry V. Robinson

Subscribed and sworn to before me, this 9th
day of February, 1961

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

Publication Fee \$ 15.60

August 23, 1960

Re: Yearian Transfer

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

Dear Mr. Lyon:

In regard to said transfer in the name of Russell Yearian and F. W. Hammer, we have prepared the enclosed publication in conformity with the application.

However, the writer would like for you to look over same, and if found correct, give it to your local paper, the Recorder Herald. Instructions for publication are attached thereto.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
RWT:pmk

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

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

August 23, 1960

The Recorder Herald,
Salmon, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **September 15, 1960** the date set for hearing; the expense of the publication is to be paid by the applicant **C. Walker Lyon** of **Salmon, Idaho** to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

GEO. N. CARTER

State Reclamation Engineer
By

ROY W. THOMPSON

Supervisor of Water Distribution

**If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Russell Yearian and F. W. Hammer, of ^{address} ~~Salmon, Idaho,~~ ^{Attorney at Law.} in care of C. Walker Lyon, have applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and place of use of the waters of Yearian Creek. Amount 4.50 cubic feet per second with priority of June 1, 1874. Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 18 North, Range 24 E.B.M., Place of use being described as follows, to-wit: Lots 2, 3, and 4 in Section 4, Township 17 North, Range 24 E.B.M., SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 33, Township 18 North, Range 24 E.B.M.,

To be Transferred to

Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 18 North, Range 24 E.B.M., Place of use described as follows, to-wit: Lot 4 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, 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.,
and

2.4 cubic feet per second of the waters of Yearian Creek with priority of January, 1909, with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 18 North, Range 24 E.B.M., with place of use 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.,

To be transferred to

Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 18 North, Range 24 E.B.M., to lands 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.

And that on the ^{16th} ~~15th~~ day of September, 1960, at ^{2:00} ~~10:00~~ o'clock A.M. at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

GEO. N. CARTER
State Reclamation Engineer

December 12, 1960

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

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

Dear Mr. Lyon:

In reference to Transfer of Water Right filed in
this department as of August 23, 1960, in the name of
Russell Yearian and F. W. Hammer.

Notice of proposed transfer has been duly published
in the Recorder Herald at Salmon, Idaho. There has been no
protest received in this department in connection with this
transfer. Therefore, if you will furnish us with an affi-
davit from the newspaper showing proof of publication, which
the paper was to furnish you, together with the statutory fee
for recording to the amount of \$1.00, the department can issue
you a Certificate of Transfer of Water Right.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

August 26, 1960

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

Dear Mr. Lyon:

Your letter received stating that you would like to change the reading of the publication notice in connection with Russell Yearian and F. W. Hammer application for transfer of water right.

This is one reason why we sent the publication notice for your examination before being published. You may make the changes as stated in your letter, and we have corrected our copy to conform with your request. In most cases, providing there is a protest filed against the transfer of water right, we will extend the hearing date to a date agreeable to all concerned.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

RECEIVED
AUG 27 1960
STATE RECLAMATION
ENGINEER

LAW OFFICES
C. WALKER LYON
VIEL BUILDING
SALMON, IDAHO

RECORDED
AUG 26 1966
Department of Reclamation

CITY ATTORNEY

PHONE 2814

August 25, 1960

Mr. Roy W. Thompson
Supervisor of Water Distribution
Room 107 Statehouse
Boise, Idaho

Dear Mr. Thompson:

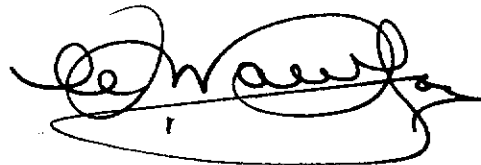
Received your letter of August 23, enclosing a notice to the Recorder Herald newspaper in the matter of Russell Yearian and F. W. Hanmer Water Transfer and I find that the date set, should we wish to be there, is the day of District Court here, thereby making it impossible for me to attend.

Could we have the hearing on September 16th at two o'clock P. M.? In that way I could fly over that Friday morning and attend the hearing if some thing comes up that makes it necessary.

I also would like to change "Notice is hereby given that Russell Yearian and F. W. Hanmer, of Salmon, Idaho, in care of C. Walker Lyon" to "Notice is hereby given that Russell Yearian and F. W. Hanmer, address c/o C. Walker Lyon, Attorney at Law, Salmon, Idaho". The reason for the change is that Mr. Yearian is not a resident of Salmon as the notice would denote, but Mr. Hanmer is. Would it be all right to make this change?

Our paper, the Recorder Herald, comes out every Thursday and I understand from your letter there is no other requirement on time of hearing except that it must be published in two consecutive issues of the weekly paper before the hearing.

Sincerely,



CWL/lc

APPLICATION FOR TRANSFER OF WATER RIGHT

AUG 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. Hanmer, 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. Hanmer, 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. Hanmer, 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. Hanmer (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

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Russell Yearian and F. W. Hammer, address care of C. Walker Lyon, Attorney at Law, Salmon, Idaho, have applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and place of use of the waters of Yearian Creek. Amount: 4.50 cubic feet per second with priority of June 1, 1874. Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 18 North, Range 24 E. B. M. Place of use being described as follows, to-wit: Lots 2, 3 and 4 in Section 4, Township 17 North, Range 24 E. B. M., SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 33, Township 18 North, Range 24 E. B. M.,

To Be Transferred to

Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 18 North, Range 24 E. B. M., Place of use described as follows, to-wit: Lot 4—SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, 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.,

and

2.4 cubic feet per second of the waters of Yearian creek with priority of January, 1909, with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 18 North, Range 24 E. B. M., with place of use 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.,

To Be Transferred to

Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 18 North, Range 24 E. B. M., to lands 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.

And that on the 16th day of September, 1960, at 2:00 o'clock P. M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

GEO. N. CARTER

State Reclamation Engineer

No. 15 9-1 to 9-8 2 to

Recorder-Herald
Salmon, Idaho



THIS SIDE OF CARD IS FOR ADDRESS



State Reclamation Engineer
Attn: Geo. Carter
Boise, Idaho

August 30, 1960

We are in receipt of a legal notice "Transfer of Water Right, Russell Yearian and F. W. Hammer to be paid by C. Walker Lyon. First date of publication will be 9-1-60 and final will be 9-8-60

Recorder-Herald
Salmon, Idaho

RECEIVED
SEP 1 1960

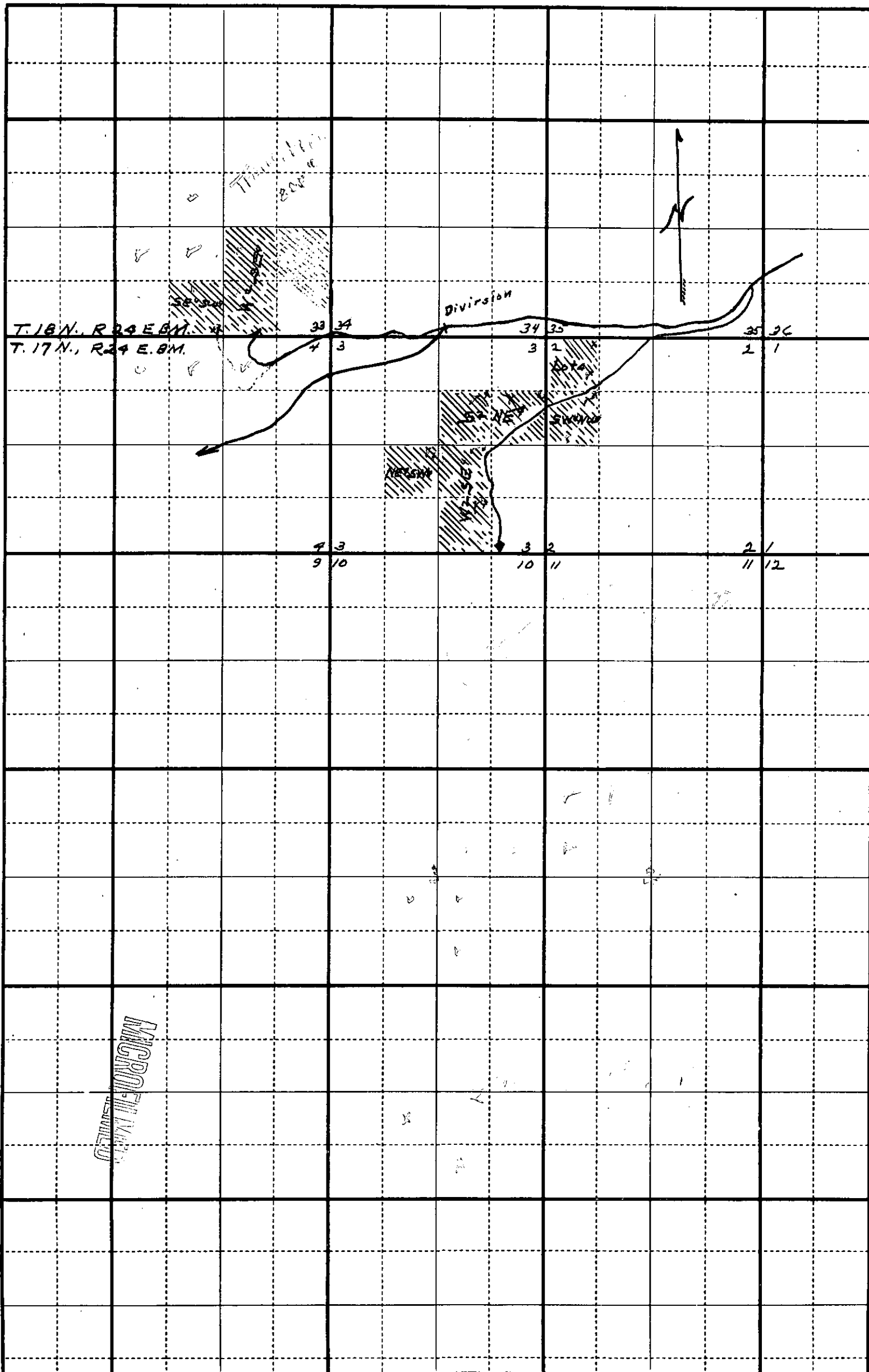
Dei

at Washington

Transfer

NAME OF APPLICANT Russe Yearion - F. W. Honner

Form No. 0



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

LAW OFFICES
C. WALKER LYON
VIEL BUILDING
SALMON, IDAHO

RECEIVED
AUG 23 1960
Department of Reclamation

CITY ATTORNEY

PHONE 2814

August 19, 1960

Department of Reclamation
Statehouse
Boise, Idaho

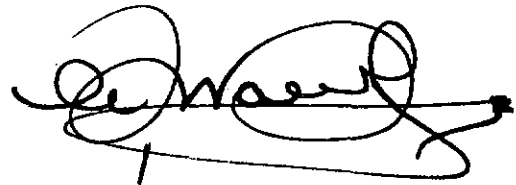
Gentlemen:

Enclosed herewith is the application of the Yearian partnership and Russell Yearian to exchange water rights of Yearian Creek, Lemhi County, Idaho.

Mr. F. W. Hanmer has authority as agent by documents which I have personally notarized and know the contents thereof, but are not filed herewith because the Articles of Agreement contain other personal matters of the partners that should not be made public.

Any cost of publication in the Recorder Herald, the official Lemhi County newspaper, will be paid direct through my office, together with any cost of transfer from your department. If you need any further information, please feel free to write or call me.

Very truly yours,



CWL/lc

Encl.

MICROFILMED

