

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Jack Stewart of Lemhi, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Mill Creek as follows:

Amount: 3.6 cubic feet per second. Priority: May 30, 1881. Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 16 N. Range 24 E., B. M. Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, T. 17 N., R. 24 E.B.M.

To Be Transferred To

Place of Use: W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ -SW $\frac{1}{4}$, Sec. 28; W $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$, NW $\frac{1}{4}$, Sec. 33, T. 17 N., R. 24 E.B.M.

And that on the 30th day of July, 1964, at 2:00 o'clock P.M., at Room 107 Statehouse, 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.

CARL E. TAPPAN
State Reclamation Engineer
7-16-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

JUL 27 1964

Department of Reclamation

ROBERT B. JOHNSON, JR., 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 RIGHTS

..... 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
consecutive issues, commencing with the issue dated 7-16, 1964
and ending with the issue dated 7-23, 1964

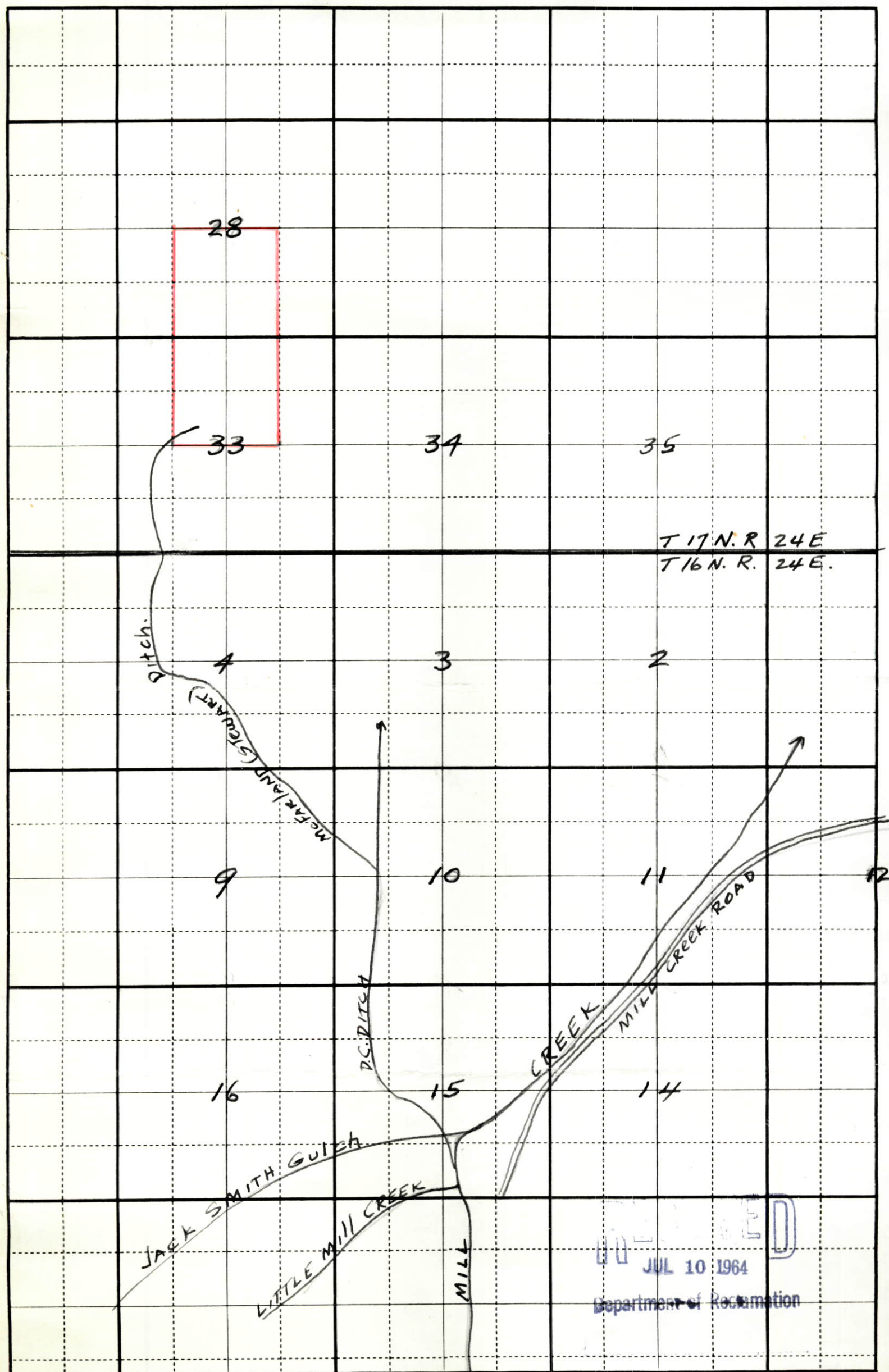
Subscribed and sworn to before me, this 23rd
day of July, 1964

Bonnie J. Baird
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 2.36

NAME OF APPLICANT

JACK SEWART

Form No. 0

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

28

523

SEC.

SEC.

SEC.

SEC.

T. 17 N. R. 24 E

~~SECRET~~

SFB:

25

SFC.

SEC.

SEC.

SEC.

QAS

STC.

2562

SEC.

51

14

1

2

DITCH

CREEK

ROAD

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Rees, Robert G.	3.6		74-0278
1033	Stewart, Jack	3.6	0	74-0278A

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REPRODUCED
FROM

T

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 1033

THIS IS TO CERTIFY, That Jack Stewart of Lemhi, Idaho, is the owner of and using a certain water right bearing date of May 30, 1881, for 3.6 cubic feet per second of the waters of Mill Creek, County of Lemhi, State of Idaho, decreed to Robert G. Rees by 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

ROBERT G. REES, et al

Plaintiffs

vs.

NELS F. CARLSON, et al

Defendants

said decree bearing date of November 10, 1913, and being appurtenant to the following described lands, to-wit:

S₁W₁⁴, SW₁⁴, W₂SE₁⁴,
Section 14, 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 3, at Page 410 thereof;

That said Jack Stewart has become the owner of said water right by purchase;

And that now, upon the application of Jack Stewart for the transfer of 3.6 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 3.6 cubic feet per second of the waters of Mill Creek upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

W₁SE₁⁴, E₁SW₁⁴, Section 28,
W₁NE₁⁴, E₁NW₁⁴, Section 33;
Township 17 North, Range 24
E. B. M.,

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose and shall not exceed the following amount, to-wit:

3.6 cubic feet per second
bearing date of priority
of May 30, 1881;

That the water right hereby transferred has heretofore been conducted from a ditch with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 16 North, Range 24 E. B. M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands with no change in point of diversion;

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands 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 14th day of August, 1964.

(SEAL)

s/

CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Jack Stewart)

of)

Lemhi, Idaho)

ORDER GRANTING TRANSFER

NO. 1033

For a Transfer of Water Right in)
the County of Lemhi, State of)
Idaho)

WHEREAS, On the 30th day of July, 1964, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of Jack Stewart of Lemhi, 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 efficient beneficial use and no one will be injured thereby.

NOW, THEREFORE, IT IS ORDERED, That the said application be, and 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 11th day of August, 1964.

(SEAL)

s/

CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

RECEIVED
AUG 11 1964

In the District Court of the Sixth Judicial District of the
State of Idaho, in and for the county of Lemhi.

Robert G. Rees, Peter Amonson, O
Michael Maier, Rhoda A. Spahn,)
Karl O. Spahn, Oscar Amonson)
and Jane L. Amonson)

Plaintiffs

VS

Nels F. Carlson, Carl A Carlson,)
Clara J. Carlson, George Hanson,)
Richard W. Fielder, Mary R)
Fielder, William J. Crehan and)
Arthur P. Crehan,)

Defendants

This cause having heretofore come on for hearing
before Geo. E. Keyes, a referee who had been regularly appointed
by the Court for that purpose, and said hearing having been
had without a jury;

The evidence and the proofs of the respective
parties having been submitted to the said referee for his
consideration, and he having filed herein his findings of
fact and conclusions of law, and this Court having adopted said
findings of fact and conclusions of law,

WHEREFORE by reason of the law and the findings
and conclusions aforesaid

MICROFILMED

It is ordered, adjudged and decreed;

74 0278 That the plaintiff, Robert G. Rees is entitled to the use of Three and Six tenths (3.6) cubic feet per second of time of the waters of Mill Creek for the irrigation of the south half of the northwest quarter, and the southwest quarter, and the west half of the southeast quarter of Section Fourteen (14) Township 17 North, Range 24 E.B.M., his right thereto to date from May 30th, 1881.

74 0279 That the plaintiffs Michael Maier, Rhoda A. Spahn, Karl O. Spahn and Oscar Amonson are entitled to the use of five and four tenths (5.4) cubic feet per second of time, of the waters of Mill Creek, with date of priority of May 30, 1881, and also are entitled to the use of four and forty six one hundredths (4.46) cubic feet per second of time of the waters of Mill Creek, with date of priority of May 1st, 1886, that said plaintiffs are also entitled to all the waters, to the extent of 280 acre/ feet that may be stored in their certain reservoir situated near the summit of the mountain on the Mill Creek water shed, which reservoir is sometimes known as Carr's Lake, all for the irrigation of the south half of the southeastquarter and the southeast quarter of the southwest quarter of Section 27, and the northeast quarter, and the east half of the north west quarter, and the southeast quarter, and the east half of the southwest quarter, and the southwest quarter of the southwest quarter of Section Thirty four (34), in Tp.17 N., R. 24 E.B.M.

74 0280 That the plaintiff Jane Amonson is entitled to the use of Six and Four tenths (6.4) cubic feet per second of time of the waters of Mill Creek for the irrigation of the northeast quarter and the north half of the southeast quarter, and the northeast quarter of the southwest quarter, and the southeast quarter of the northwest quarter of Section Twenty seven (27) , in Tp. 17.N., of Range 24 E.B.M. her right thereto to date from May 19, 1908

74 0281 That the plaintiff Peter Amonson is entitled to the use of Three and twenty two one hundredths (3.22) cubic feet per second of time of the waters of Mill Creek for the irrigation of the north half of the southwest quarter and the west half of the southeast

MICROFILMED

August 14, 1964

Re: Transfer of Water Right No. 1033
Jack Stewart

Mr. Charles Herndon,
Attorney at Law,
Salmon, Idaho.

Dear Mr. Herndon:

We are enclosing Certificate of Transfer of
Water Right No. 1033, together with Departmental Re-
ceipt No. 32391, which was issued in the amount of
\$1.00 for the recording fee of the above captioned
transfer.

Also enclosed is a copy of the Certificate
for your files.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl. - Certificate
Receipt

RWH:pak

cc: A. E. Cranor, Watermaster
Water District No. 79-E
Lewhi, Idaho

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

TELEPHONE 756-2412
AREA CODE 208

July 25, 1964

RECEIVED
JUL 27 1964
Department of Reclamation

Department of Reclamation
State of Idaho
107 State House
Boise, Idaho

Attention Robert W. Hamilton

Dear Mr. Hamilton: RE: Transfer of Water Right
Jack Stewart

Enclosed Affidavit of Publication in the above transfer of water
right, plus our check for \$1.00 recording fee.

We understand that the Certificate of Transfer will issue
July 30.

Very truly yours,

Charles Herndon
CHARLES HERNDON B

CH:fb
Aff. - ck \$1.00

RECORDED

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Jack Stewart of Lemhi, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Mill Creek as follows:

Amount: 3.6 cubic feet per second. Priority: May 30, 1881. Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 16 N. Range 24 E., B. M. Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, T. 17 N., R. 24 E.B.M.

To Be Transferred To

Place of Use: W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ -SW $\frac{1}{4}$, Sec. 28; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$, NW $\frac{1}{4}$, Sec. 33, T. 17 N., R. 24 E.B.M.

And that on the 30th day of July, 1964, at 2:00 o'clock P.M., at Room 107 Statehouse, 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.

CARL E. TAPPAN
State Reclamation Engineer
7-16-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

RECEIVED
JUL 27 1964

Department of Reclamation

ROBERT B. JOHNSON, JR., 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 RIGHTS

_____ 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
consecutive issues, commencing with the issue dated 7-16, 1964
and ending with the issue dated 7-23, 1964

Subscribed and sworn to before me, this 23rd

day of July, 1964

Bonnie J. Bader
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 9.36

July 31, 1964

Re: Transfer of Water Right
Jack Stewart

Mr. A. E. Cranor, Watermaster,
Water District No. 79-E,
Lemhi, Idaho.

Dear Mr. Cranor:

Enclosed find an application for Transfer of Water Right in the name of Jack Stewart. It is necessary that the watermaster show his approval, or that he does not approve of this transfer, on page three of the application. Please fill in and sign as watermaster of Water District No. 79-E. If you choose to approve this transfer, x out the "do not approve", or if you do not wish to approve the transfer, x out the approval of said petition.

Mr. Stewart failed to have application notarized. If you would have him get it notarized and return it to us, we would appreciate it very much.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl. - Application for
Transfer of Water Right

RWH:pmk

July 10, 1964

Re: Transfer of Water Right
Jack Stewart

Mr. Charles Herndon,
Attorney at Law,
Salmon, Idaho.

Dear Mr. Herndon:

Referring to your letter of July 9, 1963, regarding the above matter, you will be informed as to the fee for the publication notice by the Recorder Herald.

If there are no protests to the transfer, the Certificate of Transfer of Water Right will be issued upon receipt of \$1.00 for the recording fee, and the Affidavit of Publication, which the Recorder Herald will furnish you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:pmk

RECEIVED
JUL 14 1964

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

TELEPHONE 756-2412
AREA CODE 208

July 9, 1964

RECEIVED
JUL 10 1964

Department of Reclamation

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

Attention: Ralph W. Thomas

Re: Jack Stewart,
Transfer of Water Right

Gentlemen:

Find enclosed herewith application of Jack Stewart for transfer of water right. We are not advised as to the amount of the transfer fee, but if you will prepare the legal notice for publication and advise us of any transfer costs we will promptly remit.

Very truly yours,


CHARLES HERNDON

CH/bac

Enc.

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Jack Stewart of Lemhi, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Mill Creek as follows:

Amount: 3.6 cubic feet per second. Priority: May 30, 1881. Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 16 N., Range 24 E., B. M. Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, T. 17 N., R. 24 E.B.M.

To Be Transferred To

Place of Use: W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ -SW $\frac{1}{4}$, Sec. 28; W $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$, NW $\frac{1}{4}$, Sec. 33, T. 17 N., R. 24 E.B.M.

And that on the 30th day of July, 1964, at 2:00 o'clock P.M., at Room 107 Statehouse, 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.

CARL E. TAPPAN
State Reclamation Engineer
7-16-2tc

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

July 10, 1964

Re: Transfer of Water Right
Jack Stewart

Recorder Herald,
Salmon, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **July 30, 1964** the date set for hearing; the expense of the publication is to be paid by the applicant's attorney, **Charles Herndon** 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,

CARL E. TAPPAN

State Reclamation Engineer

By

ROBERT W. HAMILTON
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.

RWH:pmk

cc: Charles Herndon

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Jack Stewart of
Lemhi, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing him to change the ~~point of diversion~~
~~and/or~~ place of use of the waters of Mill Creek as follows:
Amount: 3.6 cubic feet per second. Priority: May 30, 1881
Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 16 N. Range 24 E., B.M.
Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, T. 17 N., R. 24 E.B.M.

To Be Transferred To

~~Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 16 N., Range 24 E., B.M.~~
Sec. 33,
Place of Use: W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, T. 17 N., R. 24 E.B.M.

And that on the 30th day of July, 19 64, at 2:00 o'clock P. M.,
at Room 107 Statehouse, 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.

CARL E. TAPPAN
State Reclamation Engineer

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that JACK STEWART of
Lemhi, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing him to change the point of diversion
and/or place of use of the waters of Mill Creek as follows:
Amount: 3.6 cubic feet per second. Priority: May 30, 1881
Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 16N Range 24E, B.M.
Place of Use: S²NW⁴, SW⁴, W²SE⁴ S14; T17N - R. 24E BM.

To Be Transferred To

Point of diversion: no change $\frac{1}{4}$, Section , Township , Range B. M.
Place of Use: W²SE⁴, E²SW⁴-28, W²NE⁴, E²NW⁴-33; T17N - R. 24E BM.

And that on the 30 day of July, 1964, at 2:00 o'clock P. M.,
at Room 114, Statehouse 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.

State Reclamation Engineer

ROBERT E. SMYLIE
Governor



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

July 31, 1964

RECEIVED
AUG 11 1964

Department of Reclamation

Re: Transfer of Water Right
Jack Stewart

Mr. A. E. Cranor, Watermaster,
Water District No. 79-E,
Lemhi, Idaho.

Dear Mr. Cranor:

Enclosed find an application for Transfer of Water Right in the name of Jack Stewart. It is necessary that the watermaster show his approval, or that he does not approve of this transfer, on page three of the application. Please fill in and sign as watermaster of Water District No. 79-E. If you choose to approve this transfer, x out the "do not approve", or if you do not wish to approve the transfer, x out the approval of said petition.

Mr. Stewart failed to have application notarized. If you would have him get it notarized and return it to us, we would appreciate it very much.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Robert W. Hamilton

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl. - Application for
Transfer of Water Right

RWH:pmk

MICROFILMED

RECEIVED
AUG 11 1964

Department of Reclamation

Application For Transfer of Water Right

STATE OF IDAHO

County of Lemhi

ss.

RECEIVED
JUL 10 1964

Department of Reclamation

Jack Stewart, being first duly sworn, deposes and says:

That his name is Jack Stewart; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Box 33 Lemhi, Idaho

That he is the owner and using a certain water right, bearing date of priority of 5/30, 1881, for 3.6 cubic feet per second of the waters of Mill Creek County of Lemhi, State of Idaho, decreed to Robert G. Rees by decree of Judge J. M. Stevens of the 6th Judicial District of the State of Idaho, in and for the county of Lemhi, in the case of Robert G. Rees, et al., Plaintiffs, vs. Nels F. Carlson, et al., Defendants, said decree bearing date of November 10, 1913 (or obtained by virtue of License No. , issued by the State Department of Reclamation of the State of Idaho, dated , 19, bearing date of , 19) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 79-E in the County of Lemhi and State of Idaho, to-wit: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,

~~Section 14, Township 17 North, Range 24 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. transfer of lands above and decreed rights to T. L. McFarland, et ux, and deed of transfer from McFarland to applicant, 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 SW $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 15, Township 16 North, Range 24 E., B. M., and conducted to the above described lands through a ditch as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of 3.6 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 Lemhi and State of Idaho, to-wit: W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 33, all in Township 17 North, Range 24 E.B.M.

That reasons for desiring to make such transfer are as follows: conservation of decreed water and change in place of use and ownership. Above premises now separately owned and not a part of McFarland ranch - traded river water and ditch right for Mill Creek decreed water.

Vol. 3
pg 410

That he intends to divert and convey said.....3.6.....second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

Through a ditch convey in a Northwesterly direction about 3 miles, through Sections 15, 14, 10,⁹ and 4, of Township 16 North, Range 24 E.B.M. and Sections 33 and 28, Township 17 North, Range 24 E.B.M. Individual ditch, D.C. Ditch, diversion Mill Creek - Stewart ditch diversion in SE Corner SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10. T.16 N., R.24 E.B.M.

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit. Joint use of D.C. Ditch, always and still is, effective.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in $\frac{1}{4}$ of $\frac{1}{4}$ of Section....., Township....., Range....., and thereafter conduct same to the above described land through the.....ditch, as per map appended.

That his reasons for desiring to make such change are as follows:.....
.....No change in diversion point.....

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Subscribed and sworn to before me this.....

Jack Stewart
Applicant.
9th day of *July*, 1964
Charles Henderson
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?.....Mill Creek.....

Where is the diversion point located?.....

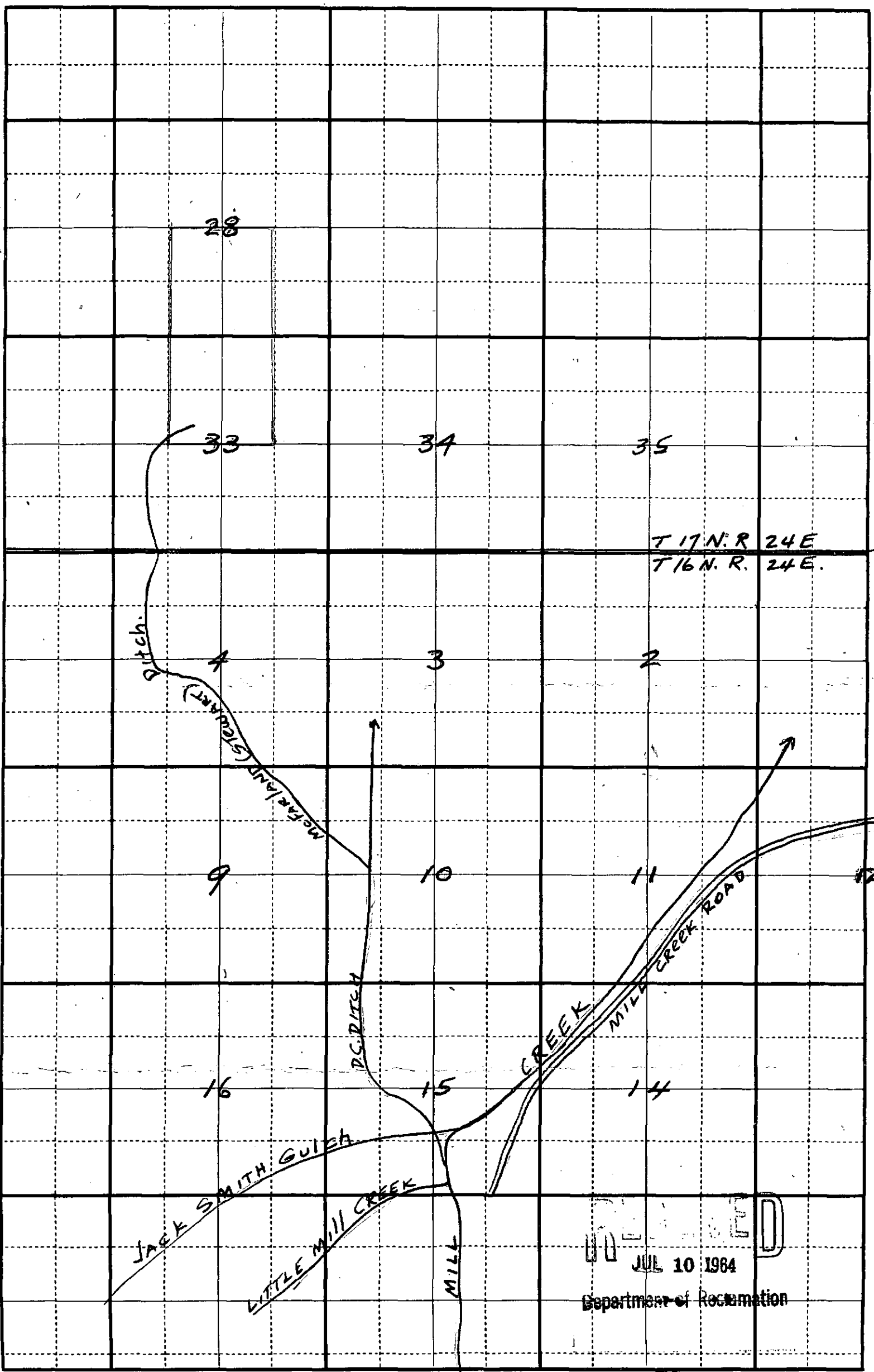
Through what ditch is it now conducted?.....

How much land is now irrigated by the water sought to be transferred?.....320 acres.....

Give the description:.....S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 14, Township 17 North, Range 24 E.B.M.

NAME OF APPLICANT JACK SEWART

Form No. 0



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

Name of Applicant.....

29

28

32
SEC.

34
SEC.

SEC.

SEC.

SEC.

T. 7 N. R. 24 E
T. 16 N. R. 24 E

5
SEC.

4
SEC.

3
SEC.

2
SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

DITCH

SEC.

ROAD

CREEK

MILL

15

14

What is the total amount of water in inches, or second feet, dedicated to said land?.....500.....
What kind of crops are being raised?.....Alfalfa hay and grain.....
How much water per acre is now required to irrigate said land?.....1 miners inch.....
What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....none.....

Give location of new point of diversion, if change is to be made. No change.

Through what ditch will it be conducted after transfer? Same ditch.

How much water will be required per acre to irrigate the land to which this water is transferred? 180!!

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. Yes, usufructory right to Lemhi River

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. Flood waters of Mill Creek.

Signed Jack Stewart
Applicant.

STATE OF IDAHO,

County of Lemhi } ss.

I, A. E. Branon, Watermaster of 79-E Mill Creek
Water District No. 79-E, County of Lemhi, State of Idaho, whose postoffice address
is Leadore Idaho, have read or heard read the foregoing affidavit and petition
of Jack Stewart, 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 State Reclamation Engineer
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:

Watermaster, District No. 79-E

X A. E. Branon

Dated at LEADORE, Idaho, this 9th day of AUGUST, 19 64