

**NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT**

Notice is hereby given that Kester T. Soule, of Baker, 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 Pratt Creek. Amount: .10 cubic feet per second with priority of May 1, 1888. Point of diversion, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 21 North, Range 24 East. Place of Use: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 1, Township 20 North, Range 23 East, B. M.

Transfer to

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 21 North, Range 24 East. Place of use: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 20 North, Range 23 East, B. M.

And that on the 24th day of February, 1956 at 10 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.

MARK R. KULP,
State Reclamation Engineer.
2-9-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi,

ss.

RONALD BURKE

....., 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,

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

That the.....

.....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 2-9, 1956 and ending with the issue dated 2-16, 1956.

Ronald Burke

Subscribed and sworn to before me, this 16th

day of MARCH, 1956.

Just Blum
Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

Publication Fee \$ 8.40

RECEIVED
MAR 19 1956

Department of Reclamation

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

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Transfer to

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MARK R. KULP,
State Reclamation Engineer.
2-9-2tc

Affidavit of Publication

STATE OF IDAHO

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Ronald Burke, 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 cor-

rectly 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 2-9, 1956

and ending with the issue dated 2-16, 1956.

Ronald Burke

Subscribed and sworn to before me, this 5th

day of March, 1956.

Charles Hewson

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

Publication Fee \$ 840

RECEIVED
MICROFILMED
MAR 1956
DIVISION OF RECLAMATION

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R-23E.
R-24E.

SEC. 31

SEC. 36

Transferred from:

T. 21 N.
T. 20 N.

Transferred to:

Point of Diversion.

Ditch

Ditch

PRATT

Name of Applicant.....

SEC.

SEC.

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Point of Diversion

Ditch

Transferred from:

Ditch

Transferred to:

PRATT

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Johnson, Elizabeth	4.0		74-0197
865	Soule, Kester T.	0.2	3.8	74-0197A

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 865.

THIS IS TO CERTIFY That Kester T. Soule of Baker, Idaho, is the owner of and using a certain water right for 4.0 cubic feet per second of the waters of Pratt Creek with priority of May 1, 1888, said water being decreed to Elizabeth A. Johnson by Judge D. W. Standrod of the Fifth Judicial District of the State of Idaho, Lemhi County, in the case of

Philadelphia Security Co.

Plaintiff

vs.

William T. Wilson, et al

Defendants

said decree bearing date of October 22, 1898, and being appurtenant to the following described lands, to-wit:

NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 1, Twp. 20 N., Rge. 23 E., B.M.

That said Decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 1 of Decrees, beginning at Page 396.

That Kester T. Soule has become the owner of said water right through purchase.

And that now, upon the application of Kester T. Soule of Baker, Idaho, for the transfer of 0.20 cubic foot per second of the waters of Pratt Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 0.20 cubic foot per second of the waters of Pratt Creek upon the above described lands is hereby abandoned and the land to which the water right hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Twp. 20 N., Rge. 23 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:

0.20 cubic foot per second of the waters of
Pratt Creek with priority of May 1, 1888.

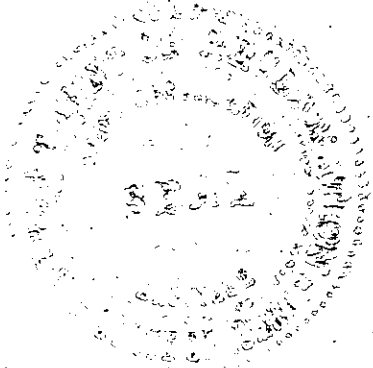
That the water right hereby transferred has heretofore been conducted to the first above described lands from Pratt Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Township 21 North, Range 24 East, B.M.

That the water right hereby transferred shall hereafter be conducted to the last above described land from Pratt Creek with no change in point of diversion.

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 26th day of March, 1956.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Kester T. Soule
Baker, Idaho

For a transfer of Water Rights, in Water
District No. 79-B, Lemhi County, Idaho.

ORDER GRANTING TRANSFER

NO. 865

WHEREAS, On the 24th day of February, 1956, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Kester T. Soule of Baker, Idaho, for a transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

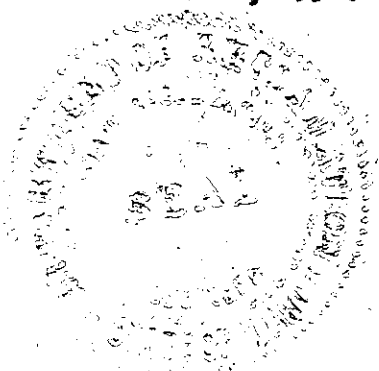
WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

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 26th day of March, 1956.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 865.

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Philadelphia Security Co.

Plaintiff

vs.

William T. Wilson, et al

Defendants

said decree bearing date of October 22, 1898, and being appurtenant to the following described lands, to-wit:

NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 1, Twp. 20 N., Rge. 23 E., B.M.

That said Decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 1 of Decrees, beginning at Page 396.

That Kester T. Soule has become the owner of said water right through purchase.

And that now, upon the application of Kester T. Soule of Baker, Idaho, for the transfer of 0.20 cubic foot per second of the waters of Pratt Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 0.20 cubic foot per second of the waters of Pratt Creek upon the above described lands is hereby abandoned and the land to which the water right hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Twp. 20 N., Rge. 23 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:

0.20 cubic foot per second of the waters of
Pratt Creek with priority of May 1, 1888.

MICROFILMED

That the water right hereby transferred has heretofore been conducted to the first above described lands from Pratt Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Township 21 North, Range 24 East, B.M.

That the water right hereby transferred shall hereafter be conducted to the last above described land from Pratt Creek with no change in point of diversion.

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 26th day of March, 1956.

MARK R. KULP
State Reclamation Engineer

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Kester T. Soule
Baker, Idaho

ORDER GRANTING TRANSFER

NO. 865

For a transfer of Water Rights, in Water
District No. 79-B, Lemhi County, Idaho.

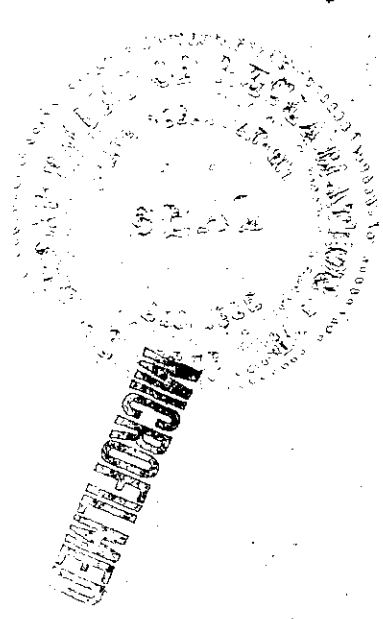
WHEREAS, On the 24th day of February, 1956, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Kester T. Soule of Baker, Idaho, for a transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; 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 26th day of March, 1956.

MARK R. KULP
State Reclamation Engineer



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

The Philadelphia Security Company,
a Corporation, Plaintiff,

- vs -

William I. Wilson, Mary G. Wilson,
Isaac S. Johnson, Elizabeth A. Johnson,
John W. Strickland, Joseph Kadletz,
and Alonzo Richardson,

Defendants,

JUDGMENT.

This cause came on regularly for trial on the 22nd day of October A.D. 1898, Elder & Padgham appearing as Counsel for the plaintiff, G. F. Hansbrough and A. B. Gough appearing for the defendants, William I. Wilson, Mary G. Wilson, Isaac S. Johnson, Elizabeth A. Johnson and G. B. Quarles appearing for the defendant John W. Strickland. The defendants Joseph Kadletz and Alonzo Richardson filed disclaimer and failed to further appear, either in person or by counsel. The cause was tried before the Court, and after the evidence was closed, the Court after due deliberation thereon delivers its findings and decision in writing, which is filed, and ordered that judgment be entered in accordance therewith. Wherefore, by reason of the law, and the findings aforesaid, it is ORDERED ADJUDGED AND DECREED:

74 0192

1. That the plaintiff is the owner, in the possession, and entitled to the possession of the south west quarter of the south west quarter of Section 2. and the north west quarter of Section 11. in Township 20 North of Range 23 East of Boise Meridian, that the same is arid land, and artificial irrigation is necessary for the successful cultivation and use thereof, that the plaintiff is the first appropriator of the waters of Pratt Creek in Lemhi County, for irrigation and domestic purposes, and it is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 25 inches of the waters of said Stream to the head of its irrigating ditch for the purpose of irrigating its said land, and for domestic use, that its appropriation dates from May 1st, 1872, and is prior in time and superior in right to that of any of the defendants in this action.

2. That the defendant Mary G. Wilson is the owner, in the possession, and entitled to the possession of the following described land situate in Lemhi County to-wit: the south east quarter of the north east quarter and Lot 1 and 2 in Section 3. and the south west quarter of the north west quarter and Lot 4 of Section 2 in Township 20 North of Range 23 East of Boise Meridian, known as the "South Land" the south east quarter of the north west quarter, and the south half of the north east quarter and Lots 1, 2 and 3 of Section 2, the south west quarter of the north west quarter and Lot 4 of Section 1 in Township 20 North of Range 23 East, and the south half of the south west quarter and the south half of the south east quarter of Section 35 in Township 21 North of Range 23 East, known as the "480 acre tract" the north half of the south east quarter of Section 1 in Township 20 North of Range 23 East, and Lot 6 of Section 6 in Township 20 North of Range 24 East, known as the "Desert Entry Lot", that the same is arid land, and artificial irrigation is necessary for the successful cultivation and use thereof, that the said defendant is entitled to, and is hereby awarded the continuous and uninterrupted flow of the following amounts of the waters of Pratt Creek to the head of her irrigating ditch for the purpose of irrigating her said land, to-wit: 70 inches for the land herein described as the "South Land" 125 inches for the land herein described as the "480 acre tract", and 25 inches for the land herein described as the "Desert Entry Lot", that the right to the water, to irrigate the "South Land", and the right to the water to irrigate the 480 acre tract, dates from May 1, 1888, and the right to the water, to irrigate the

74 0193

74 0194

74 0195

Divide
"Desert Entry Lot" dates from February 1, 1892.

74 0196
3. That the defendant William I. Wilson is the owner, in the possession, and entitled to the possession, of the following described land, to-wit: the east half of the north west quarter of Section 6 in Township 20 North of Range 24 East of Boise Meridian, and a tract described as commencing at the north west corner of said Township 20 North of Range 24 East, run thence north 80 rods: thence east 80 rods; thence north 80 rods: thence east 80 rods; thence south 80 rods; thence east 80 rods; thence south 80 rods to the Township line; thence west on the Township line 240 rods to the place of beginning, that the same is arid land and artificial irrigation is necessary for the successful cultivation and use thereof, that said defendant is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 65 inches of the waters of Pratt Creek to the head of his ~~xxxx~~ irrigating ditch, for the purpose of irrigating his said land, and for domestic use, that the right of said water dates from May 1, 1888.

74 0197

4. That the defendant Elizabeth A. Johnson is the owner, in the possession, and entitled to the possession, of the south half of the ~~xxxx~~ north east quarter, and the south east quarter of the north west quarter and Lots 1, 2, and 3 of Section 1, in Township 20 North, of Range 23 East, and Lots 4 and 5 of Section 6 in Township 20 North of Range 24 East, of Boise Meridian, that the same is arid land, and artificial irrigation is necessary for the successful cultivation and use thereof, that said defendant is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 200 inches of the water of Pratt Creek to the head of her irrigating ditch for the purpose of irrigating her said land, and for domestic use, and that the right to said water dates from May 1, 1888.

74 0198

5. That the defendant John W. Strickland is the owner, in the possession and, entitled to the possession, of the south half of the north east quarter of Section 11, and the west half of the north west quarter of Section 12, in Township 20 North, of Range 23 East of Boise Meridian, that the same is arid land, and artificial irrigation is necessary for the successful cultivation and use thereof, that said defendant is entitled to, and is hereby awarded, the continuous and uninterrupted flow of 50 inches of the waters of Pratt Creek to the head of his irrigating ditch, for the purpose of irrigating his said land, and for domestic use, and that the right thereto dates from May 1, 1895, and is subject to the right of the plaintiff and the other defendants. That this defendant Strickland is entitled to the waters of the Springs upon his said land, which he has already appropriated for the like purpose of irrigating his said land, and for domestic use which is in addition to the aforesaid right of 50 inches of the flow of said stream.

6. That in determining the quantity of water to which each party is entitled under this decree, the same shall be measured under a 4 inch pressure, at or near the place of diversion.

7. That the defendant Joseph Kadletz and Alonzo Richardson have no right to or interest in the waters of Pratt Creek so as aforesaid appropriated by the plaintiff and defendants.

8. That each of the defendants herein be, and they are hereby perpetually enjoined from the use of, or in any manner interfering with the waters of Pratt Creek belonging to the plaintiff, herein decreed, and also from in any manner interfering with the water belonging to each and every of the other defendants herein decreed.

9. That Reuben M. Moore be and is hereby appointed a Commissioner of this Court to superintend and direct the distribution of the waters of Pratt Creek according to the provisions of this decree, and his fees shall be \$2.50 per day for the time actually and necessarily employed by him in and about such work, which sum shall be paid by the plaintiff and defendants William I. Wilson, Mary G. Wilson, Elizabeth A. Johnson, and John W. Strickland, in equal parts, and that execution for each share of said fees may be issued against any of

April 4, 1956

Charles Herndon
Attorney At Law
Salmon, Idaho

Dear Mr. Herndon:

Re: Kester Soule Trans. #865

We acknowledge receipt of your check in the amount of \$1.00 in payment of the additional copy of the granting of Transfer of Water Rights of the above captioned Transfer.

We are enclosing our departmental receipt No. 27898 in receipt of same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR
Encl.

RECEIVED

OK Encl \$1.00

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

March 28, 1956

RECEIVED
MAR 30 1956
Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

Attention Roy W. Thompson
Supervisor of Water Distribution

Dear Mr. Thompson:

RE: Kester Soule Trans.865

Enclosed herewith find check for \$1.00 in payment
of the extra copy of the granting of Transfer of Water Rights.

Many thanks for your kindness in this matter.

Sincerely yours,

Charles Herndon
CHARLES HERNDON

CH:fb
Encl.ck.

March 26, 1956

Mr. Charles Herndon
Attorney at Law
Salmon, Idaho

Dear Mr. Herndon:

We enclose Transfer Certificate No. 865 in the name of
Kester T. Soule together with departmental receipt No. 27769
for the \$1.00 recording fee.

You will observe that this Certificate of Transfer is made
out for 0.20 cubic foot per second, or ten Miner's inches, transferred
right. We are enclosing one additional copy for your use in supplying
the Bureau of Land Management.

It will be necessary under the statutes to charge you \$1.00
for this additional copy.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:hll
Enc.

MICROFILMED

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

March 23, 1956

RECEIVED
MAR 26 1956
Department of Reclamation

State Department of Reclamation
State of Idaho
Capitol Building
Boise, Idaho

Attention: Roy W. Thompson

Dear Mr. Thompson: Re: Kester T. Soule water right
transfer

Many thanks for your letter of March 21st.

It was Mr. Soule's intention to transfer 10 inches
or 2.0 cubic feet per second of time.

If you can, change the certificate without another
advertisement, so that it will read 10 inches of
water, please do so.

Very sincerely yours,

Charles Herndon
CHARLES HERNDON

CH:ds

MICROFILMED

March 21, 1956

Mr. Charles Herndon
Attorney At Law
Salmon, Idaho

RE: Kester T. Soule
Transfer of Water Right

Dear Mr. Herndon:

Your letter of March 19, 1956, received this morning relative to the above captioned Transfer.

We have the Certificate of Transfer of Water Right in the name of Kester T. Soule made out awaiting the signature of the State Reclamation Engineer who has been out of town for several days and will not be back in the Office until the first of next week.

We have just observed that the Transfer of Water Right was published in the paper as transferring .10 cubic feet per second which is the equivalent of 5 inches of water being transferred to the 40 acres in question, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 20 North, Range 23 East.

We believe that we have made an error in the publication Notice as well as in the Transfer itself as it only calls for .10 cubic feet per second to be transferred and I believe that it was Mr. Soule's and your intention to transfer 10 inches of water to the said 40 acre tract.

Upon your approval before said Certificate of Water Right is signed by the State Reclamation Engineer that we can change .10 cubic feet per second to .20 cubic feet per second which will transfer the 10 inches of water in place of the 5.

The Writer has called the Bureau of Land Management and they say there is no real hurry for a copy of the Certificate of Transfer as they have granted you an Extension of Time for complying with that requirement. They also said that Mr. Soule has not filed a map with his Desert Land Entry which states the number of acres that can be irrigated in said 40. Providing there is only 5 acres to be irrigated

Mr. Charles Herndon

-2-

March 21, 1936

in the 40 acres to comply with the Desert Land Law, 5 inches of water would be plenty, however, to be sure it may be wise to increase the Certificate to 10 inches for Transfer.

The Writer does not know whether it was an error on his part in writing up the Application for Transfer or whether it was Mr. Soule's wishes to only have 5 inches transferred.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

RECEIVED
MAR 21 1956
Department of Reclamation

March 19, 1956

State Department of Reclamation
Capitol Building
Boise, Idaho

Attention Roy W. Thompson

Dear Mr. Thompson:

RE: Kester T. Soule

On March 6th we sent you an Affidavit of Publication of proposed transfer of the above entitled water rights.

We have not yet received your certificate and we are anxious to get this matter properly filed in the Land Office.

I would appreciate it if you could investigate and determine the cause of the delay in issuing the certificate.

Many thanks.

Sincerely yours,

Charles Herndon
CHARLES HERNDON

MICROFILMED
CH:fb

SALMON

Recorder-Herald

ADVERTISING

PRINTING

OFFICE SUPPLIES

OFFICE FURNITURE

Phone 52—Pelton Building—Ronald Burke, Publisher

SALMON, IDAHO

Feb. 2, 1956

RECEIVED
FEB 3 1956
Department of Reclamation

Roy W. Thompson, Office Manager
Department of Reclamation
Boise, Idaho

Dear Sir:

This will acknowledge receipt of notice for publication to run once a week for two consecutive weeks prior to February 24, 1956, for Kester T. Soule of Baker, Idaho

Yours very truly,

Mae Burke

Mae Burke, bookkeeper
Recorder Herald

MICROFILMED

CHARLES HERNDON

ATTORNEY AT LAW

SALMON, IDAHO

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

December 31, 1955

RECEIVED
JAN 03 1956
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen: Re: Kester T. Soule

There is some question as to whether or not the correct description of the land desired was placed upon the original application. For that reason, we have been unable to send in the amended application. If it is possible to request an extension of time for filing, we will do so. Otherwise, I suppose the application should be withdrawn and re-filed when we are positive of the proper description.

Very truly yours,

Charles Herndon
CHARLES HERNDON

CH:ds

MICROFILMED

December 27, 1955

Mr. Charles Herndon
Attorney at Law
Salmon, Idaho

Dear Mr. Herndon:

We are still holding the application of Mr. Kester T. Soule to appropriate water from Pratt Creek which was submitted by you on September 23, 1955, and returned to you for certain corrections on September 28.

In your letter of November 17 you stated that you expected the application to be corrected and returned the first part of December but we have not yet received it.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

hll
MICROFILMED

January 12, 1956

Mr. Charles Herndon
Attorney At Law
Salmon, Idaho

RE: Application
Kester T. Soule, Baker, Idaho.

Dear Mr. Herndon:

Since Mr. Soule decided to make Application for Transfer for enough water from his old Water Right of 10 inches to the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 1, Township 21 North, Range 23 East, we are returning your check for \$5.00 filing fee, which you included in your letter of September 23, 1955, for Application for Permit, as we assume that Application for Permit will not now be needed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:cu
Enc.

RECORDED

November 21, 1955

Mr. Charles Herndon
Attorney at Law
Salmon, Idaho

Dear Mr. Herndon:

We have your letter of November 17 advising that the application of Kester T. Soule would be corrected and returned the first part of December.

Your attention is directed to the fact that the statutes allow only sixty (60) days for the return of a corrected application, after which the corrected application takes a later priority.

The sixty days will be up on November 28 and if the corrected application reaches us later than that, the priority will be the date it is received instead of the original priority of September 26, 1955.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

MICROFILM

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

November 17, 1955

RECEIVED
NOV 21 1955
Department of Reclamation

State of Idaho
Department of Reclamation
State Reclamation Engineer
Boise, Idaho

Attention: Jeanne L. Anderson, Chief Clerk

Gentlemen: Re: Kester T. Soule - application

Thank you for your letter of November 1, regarding the
above matter.

We expect to have the application corrected and returned
the first part of December.

Very truly yours,

Charles Herndon
CHARLES HERNDON

CH:ds

MICROFILMED

November 10, 1955

Mr. Charles Herndon
Attorney at Law
Salmon, Idaho

Dear Mr. Herndon:

On September 28th we returned the application of
Kester T. Soule for certain corrections but to date this corrected
application has not been received in this department.

Possibly you have overlooked the matter so we are
bringing it to your attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

MICROFILMED

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

October 28, 1955

RECEIVED
OCT 31 1955
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Roy W. Thompson

Dear Mr. Thompson: Re: Kester T. Soule

Thank you very much for your kind letter of October 20th with the enclosures. Transfer of the water right would certainly accomplish the purpose and would be easier than to establish a new point of diversion. When these are properly prepared we will forward them for filing.

Many thanks for your suggestion, and with kindest personal regards, I am

Sincerely yours,

Charles Herndon

CHARLES HERNDON *to*

CH:ds

RECEIVED
OCT 31 1955
Department of Reclamation

October 20, 1955

Mr. Charles Herndon
Attorney At Law
Salmon, Idaho

RE: Kester T. Soule

Dear Mr. Herndon:

Since receiving your last letter explaining what you wish to do in regard to obtaining a Water Right on the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 20 North Range 23 East, from waste water used on lands above owned by Mr. Soule.

You state that you do not wish to increase the Water Right from Pratt Creek only to use the waste water from lands above.

It seems to the Writer, that this water proposed in your Application for Permit is private water belonging to Mr. Soule and not subject to appropriation by an additional filing. This could be done, however, provided the point of diversion could be shown as from a natural waterway or drain, however, you have proposed in the Application for Permit that the source of supply and point of diversion is from Mr. Soule's private ditches. If so, we would have to assume that this water would be termed private waters and not subject to appropriation.

We will take the liberty to suggest that you Transfer 10 inches of water from the South land tract or what is termed the 480 acre tract to the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1. This would give you a Water Right of record which we assume you require.

We are enclosing, for your information, a sketch map showing the land belonging to Mr. Soule to which the Water Right has been made appurtenant by Decree, providing you wish to follow our last suggestion.

We also return your Application for correction in case you wish to proceed with the Application for Permit.

If the Permit method is used we suggest that you state your source of water supply as from a natural drainage course and show

Mr. Charles Herndon

-2-

October 20, 1955

the point of diversion from said drainage course by ditch to land.

Your letter states that you would entertain any suggestions that we might offer, therefore, we have taken the liberty to write you accordingly.

We are also enclosing blank forms for the Transfer of Water Right, Reference-Section 42-222, Idaho Code.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

October 4, 1955

RECEIVED
OCT 10 1955
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Roy W. Thompson, Supervisor
of Water Distribution

Dear Mr. Thompson: Re: Kester T. Soule

Many thanks for your kind letter of September 28th in the
above entitled matter.

The application got out of my office before I had a chance
to review it.

This is an application by Kester T. Soule to get a record
on his use of water upon a piece of ground which has been
irrigated for years from waters which he collects from his
upper fields. The canal mentioned on our map is the
Weigand-Soule Canal or ditch, which has been used for
years. The ditch branching off from the canal and going
down to the lands involved in this application is a diversion
ditch from the Weigand-Soule Canal. The Weigand-Soule Canal
has a point of diversion on Pratt Creek in the SE $\frac{1}{4}$ of Sec. 31
Twp. 21 N. Rge. 24 E.B.M. and is an old, old point of diversion.
The granting of this application does not increase the amount of
water diverted from Pratt Creek and our only desire is to be
able to show in connection with a land application that there is
water available for the irrigation of the premises with which
we are concerned. If you have any further suggestions, I should
be pleased to have them.

Sincerely yours,

Charles Herndon
CHARLES HERNDON

RECORDED
INDEXED
CH:ds
Encl.

September 28, 1955

Mr. Charles Herndon
Attorney at Law
Salmon, Idaho

Dear Mr. Herndon:

We wish to acknowledge receipt of your Application for Permit in duplicate to appropriate 10 inches of the waters of Pratt Creek also your check for the \$5.00 filing fees.

We are returning, to you, herewith the original copy of the Application for corrections.

In answer to Question 4 (Location of Point of Diversion) it will be necessary to show the point of diversion from Pratt Creek within a 40 acre subdivision.

We observe from your sketch map enclosed herewith that you do not show the location of Pratt Creek or do you show any point of diversion on the sketch map. Please correct sketch map to show the exact point of diversion within a 40 acre subdivision also showing the location of Pratt Creek.

We are enclosing a small sketch map showing the location of Pratt Creek as we have it on our Plats.

We will draw your attention to the height of dam under Question 9. This is undoubtedly incorrect.

Please correct answer to Question 14 in the land tabulation. You show Township 21 North which should be 20 North, also please answer Question 15.

Please make the necessary corrections and return to this Office.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

September 23, 1955

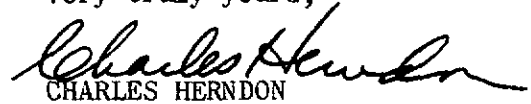
RECEIVED
SEP 26 1955
Department of Reclamation

Department of Reclamation
107 State House
Boise, Idaho

Gentlemen: Re: Application - Kester T. Soule
Baker, Idaho

Herewith, in duplicate, application of Kester T. Soule,
together with my check for \$5.00 filing fee.

Very truly yours,


CHARLES HERNDON

CH:ds
Encls.

RECEIVED
SEP 26 1955

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. _____

Permit No. _____

District No. _____

1. Name of applicant: Kester T. Soule
 Post office address Baker County Lemhi State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: _____

(b) Amount of Capital stock: \$ _____ (c) Amount paid in: \$ _____

(d) Names and addresses of directors: _____

II. The financial resources of the applicant are: (a) Cash on hand: \$ _____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

2. Quantity of water claimed: 10^m cubic feet per second3. Source of water supply: Pratt Creek, tributary of Lemhi River
which is tributary of _____4. Location of point of diversion: _____ feet distant from the _____ corner
of Section _____, T _____, R _____, B. M., and is in the _____
of Section 6, T 20 N., R 24, B. M., County of Lemhi5. Water is to be used for: irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section _____
T _____, R _____, B. M., in the _____ of Section _____, T _____, R _____, B. M.

(b) Amount of power generated: _____ H. P., under _____ feet head.

(c) Water is to be returned to _____ at a point _____ feet
distant from the _____ corner of Section _____, T _____, R _____, B. M., in the
_____ of Section _____, T _____, R _____, B. M.7. Estimated cost of works: \$ 50.008. Kind of works: _____
(Reservoir, dam, ditch, flume, pipe, etc.)9. Height of dam 21 feet; length of dam at top 6' feet; length of dam at bottom 6'
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)feet; material used in dam Rock & Earth10. Size of headgate: Width None feet; Height _____ feet11. Ditch: Width at bottom 18" feet; Width at water line 21 feet; Depth of water 6" feet;Dimensions of flume None; Diameter of pipe _____ inches;Length of conduit 300 yds miles. Average grade per mile 1 1/2" to rod feet.

16. (a) Is reservoir to be used? _____ (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit: _____

(c) Date of filing of Application for Storage Permit and Name of Applicant: _____

Remarks: _____

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Kester T. Soule

Applicant.

By _____, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____

and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO)
County of _____) ss.

On this _____ day of _____, 195____, before me, a Notary Public for the State of Idaho, residing at _____; personally appeared _____ known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires _____

Notary Public.

Approval of State Reclamation Engineer

The number of this permit is _____

Recorded in Book _____ Page _____ Approved _____

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed before _____

Work to begin on or before _____, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before _____

The whole of said work to be completed on or before _____

Beneficial use of water appropriated in accordance herewith, to be made on or before _____

Witness my hand this _____ day of _____, 195_____.

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, _____ Governor of the State of Idaho,

and _____, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this _____ day of _____, 195_____.

Countersigned:

STATE OF IDAHO

By _____
Secretary of State.

By _____
Governor.

No. _____

PERMIT

Date of first receipt at office of State
Reclamation Engineer

Returned to applicant for correction

Corrected application received

Fees, \$ _____

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. _____ \$5.00

For each additional Sec. Ft. or Fraction

Thereof _____ .25

**NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT**

Notice is hereby given that Kester T. Soule, of [redacted], 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 Pratt Creek. Amount: .10 cubic feet per second with priority of May 1, 1888. Point of diversion, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 21 North, Range 24 East. Place of Use: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 1, Township 20 North, Range 23 East, B. M.

Transfer to

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 21 North, Range 24 East. Place of use: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 20 North, Range 23 East, B. M.

And that on the 24th day of February, 1956 at 10 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.

MARK R. KULP,
State Reclamation Engineer.

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that Kester T. Soule
of Baker, 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 Pratt Creek
Amount: .10 cubic feet per second with priority of May 1, 1886.
~~as follows: Amount:~~

Point of diversion: SE ¼ SE ¼, Section 31, Township 21 North,
Range 24 East Place of Use: NE ¼, E ¼ NW ¼, Section 1,
Township 20 North, Range 23 East, B. M.

Transfer to

Point of diversion: SE ¼ SE ¼, Section 31, Township 21 North,
Range 24 East Place of Use: NW ¼ SW ¼, Section 1,
Township 20 North, Range 23 East, B. M.

And that on the 24th day of February, 1956

10 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 rea-
sons why a certificate should not be issued authorizing such transfer.

MARK R. KULP

State Reclamation Engineer.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Date:

January 31, 1956

Recorder-Herald
Salmon
Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to February 24, 1956, the date set for hearing, the expense of the publication to be paid by the applicant, Kester T. Soule of Baker, 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 of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RECEIVED

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Kester T. Soule, of Baker, 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 Pratt Creek. Amount: .10 cubic feet per second with priority of May 1, 1888. Point of diversion, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 21 North, Range 24 East. Place of Use: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 1, Township 20 North, Range 23 East, B. M.

Transfer to

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 21 North, Range 24 East. Place of use: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 20 North, Range 23 East, B. M.-

And that on the 24th day of February, 1956 at 10 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.

MARK R. KULP,
State Reclamation Engineer.
2-9-2tc

RECEIVED
MAR 19 1956
Department of Reclamation

Affidavit of Publication

STATE OF IDAHO

County of Lemhi,

ss.

RONALD BURKE

, 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,

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

That the

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 2-9, 1956 and ending with the issue dated 2-16, 1956

Ronald Burke

Subscribed and sworn to before me, this 16th

day of MARCH, 1956

*Notary Public for the State of Idaho,
Residing at Salmon, Idaho*

Publication Fee \$ 8.40

**NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT**

Notice is hereby given that Kester T. Soule, of Baker, 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 Pratt Creek. Amount: .10 cubic feet per second with priority of May 1, 1888. Point of diversion, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 21 North, Range 24 East. Place of Use: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 1, Township 20 North, Range 23 East, B. M.

Transfer to
Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 21 North, Range 24 East. Place of use: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 20 North, Range 23 East, B. M.

And that on the 24th day of February, 1956 at 10 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.

MARK R. KULP,
State Reclamation Engineer.
2-9-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi,

ss.

Ronald Burke, 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

consecutive issues, commencing with the issue dated 2-9, 1956

and ending with the issue dated 2-16, 1956.

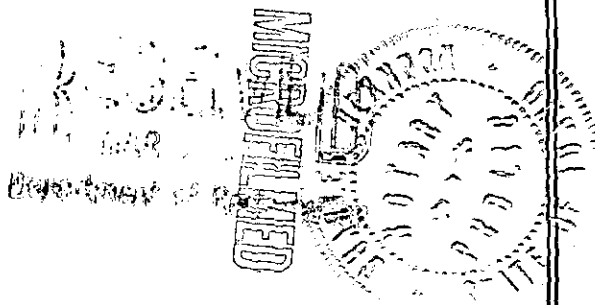
Subscribed and sworn to before me, this 5th

day of March, 1956.

Charles Henderson

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

Publication Fee \$ 840



OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

March 6, 1956

RECEIVED
MAR 6 1956
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Roy W. Thompson, Office Manager

Dear Mr. Thompson: Re: Transfer of Water Right -
Kester T. Soule, Baker, Idaho

Enclosed herewith find Affidavit of Publication of
the Notice of Proposed Transfer of Water Right.

We understand that your certificate will be issued
and that you will send us a certified copy of the same
in order that we may file it in the Land Office.

Many thanks.

Very truly yours,

Charles Herndon
CHARLES HERNDON

CH:ds
Encl.

February 28, 1956

Mr. Charles Herndon
Attorney At Law
Salmon, Idaho

RE: Transfer of Water Right
Kester T. Soule, Baker, Idaho.

Dear Mr. Herndon:

A Transfer from this Department can be consummated in connection with the above captioned Transfer in the name of Mr. Soule upon receipt of the Affidavit of Publication from the Recorder Herald of Salmon, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:cu

MICROFILMED

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

February 21, 1956

RECEIVED
FEB 24 1956
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen: Re: Kester T. Soule, Baker, Idaho
Application

Please advise if the above water transfer has been
completed.

Very truly yours,

Charles Herndon
CHARLES HERNDON *do.*

CH:ds

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

January 27, 1956

RECEIVED
JAN 30 1956
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Roy W. Thompson,
Supervisor of Water Distribution

Gentlemen: Re: Kester T. Soule, Baker, Idaho
Application

Find enclosed herewith, in duplicate, application for transfer of water right of Kester T. Soule. I find no reference in the statute relative to filing fee, but if one is required, please advise, together with any other directions which you might have for completing this transfer.

Very truly yours,

Charles Herndon
CHARLES HERNDON

CH:ds
Encls.

RECEIVED
JAN 30 1956

Application For Transfer of Water Right

STATE OF IDAHO

County of Lemhi, } ss.

Kester T. Soule, being first duly sworn, deposes and says:

That his name is Kester T. Soule,; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Baker, Idaho.

That he is the owner and using a certain water right, bearing date of priority of May 1, 1888 for 4.0 cubic feet per second of the waters of Pratt Creek, County of Lemhi, State of Idaho, decreed to Elizabeth A. Johnson, by decree of Judge, D.W. Standrod, of the Fifth Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of The Philadelphia Security Co. vs. William T. Wilson et al., said decree bearing date of Oct. 22, 1898. (or obtained by virtue of License No. _____, issued by the State Engineer 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-B in the County of Lemhi, and State of Idaho, to-wit:

NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 1, Twp. 20.N. R. 23.E. B.M?

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

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

That said waters are now diverted from said stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 21.N. R. 24.N. B. M., and conducted to the above described lands through Company Ditch, as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of .10-20 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:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Twp. 20.N. Range 23.E.

That his reasons for desiring to make such transfer are as follows:

To proove up on Desert Land Entry,

That he intends to divert and convey said.....10.....second feet of water to the tract of land last above described in the following manner, to-wit:
With no change in point of Diversion, Through Company Ditch,.....
.....
.....
.....

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

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

Peter T. Seck
Applicant.

Subscribed and sworn to before me this.....8th.....day of.....January.....
A. D. 19 56.....
Charles Hewson
Notary Public for State of Idaho
Residing at Salmon, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?.....Pratt Creek,.....
Where is the diversion point located?.....SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Twp. 21.N. Range 24.E.
Through what ditch is it now conducted?.....Company Ditch,.....
How much land is now irrigated by the water sought to be transferred?.....320 acres,.....
Give the description:.....NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, Twp. 20.N. R. 23.E and
W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Twp. 20.N. R. 24.E. B.M.
What is the total amount of water in inches, or second feet, dedicated to said land?.....4.0 c.f.s..
What kind of crops are being raised?.....Hay and Grain,.....
How much water per acre is now required to irrigate said land?.....Approx. 5/8 inch per acre
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 in point of diversion,
Through what ditch will it be conducted after transfer?.....Company Ditch,.....
How much water will be required per acre to irrigate the land to which this water is transferred?.....
5/8 inch per acre,
Do you claim any other water right for the land from which you seek to abandon the use of this water?
If so, give amount, date and source.....None,
Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.....

Signed *Peter T. Seck*
Applicant.

STATE OF IDAHO,

County of Lemhi

ss.

Jack Weigand

and

Doyle L. Mulkey

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Baker, Idaho

that he is user of water from Pratt Creek, in Water District No. 79-B

County of Lemhi

State of Idaho; that he has read or heard read the foregoing affidavit and petition of Kester T. Soule

and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

x Jack Weigand
x Doyle L. Mulkey

Subscribed and sworn to before me this 8th day of January

A. D. 1956

Charles Henderson
Notary Public for State of Idaho
Residing at Salmon, Idaho

STATE OF IDAHO,

County of Lemhi

ss.

I, Russell R. Hartvigsen, Watermaster of Water District 79-B Pratt Cr. Water District No. 79-B, County of Lemhi, State of Idaho, whose postoffice address is Baker, Idaho,

have read or heard read the foregoing affidavit and petition of Kester T. Soule, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Watermaster Dist. No. 79-B

Russell R. Hartvigsen

Dated at Baker, Idaho, this

day of Jan

1956

Name of Applicant

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

R-23E
R-24E

Point of Diversion

Transferred from:

T. 21 N.
T. 20 N.

Transferred to:

PRATT

Application For Transfer of Water Right

STATE OF IDAHO

County of Lemhi.

ss.

Kester T. Soule, being first duly sworn, deposes and says:

That his name is Kester T. Soule; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Baker, Idaho.

That he is the owner and using a certain water right, bearing date of priority of May 1, 1888 for 4.0 cubic feet per second of the waters of Pratt Creek, County of Lemhi, State of Idaho, decreed to Elizabeth A. Johnson, by decree of Judge, D. W. Standrod of the Fifth Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of The Philadelphia Security Co. vs. William T. Wilson et al., said decree bearing date of Oct. 22, 1898 (or obtained by virtue of License No. issued by the State Engineer of the State of Idaho, dated 7-2-19, bearing date of 19,) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 79-B in the County of Lemhi and State of Idaho, to-wit:

NE¹/₄, E¹/₂ NW¹/₄ Section 1, Twp. 20 N. R. 23 E. B. M.

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. By Purchase.

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

That said waters are now diverted from said stream in the SE¹/₄ SE¹/₄ of Section 31, Township 21N, Range 24 E. B. M., and conducted to the above described lands through Company Ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 10.20 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:

NW¹/₄ SW¹/₄ Section 1, Twp. 20 N. Range 23 E.

That his reasons for desiring to make such transfer are as follows:

To prove up on Desert Land Entry.

That he intends to divert and convey said.....~~10~~.....~~20~~.....second feet of water to the tract of land last above described in the following manner, to-wit:

With no change in point of Diversion,.....Through Company Ditch.....

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

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

Peter T. Soule
Applicant.

Subscribed and sworn to before me this.....8th.....day of.....January.....
A. D. 19⁵⁶.....

Charles Hendon
Notary Public for State of Idaho
Residing at Salmon, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

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

Where is the diversion point located?.....SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, Twp. 21 N. Range 24 E.....

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

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

Give the description: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 1, Twp. 20 N. R. 23 E. and
W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Twp. 20 N. R. 24 E. B.M.

What is the total amount of water in inches, or second feet, dedicated to said land?.....4.0 c.f.s.....

What kind of crops are being raised?.....Hay and Grain.....

How much water per acre is now required to irrigate said land? Approx. 5/8 inch per acre

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 in point of diversion.

Through what ditch will it be conducted after transfer?.....Company Ditch.....

How much water will be required per acre to irrigate the land to which this water is transferred?.....
5/8 inch per acre.....

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source.....None.....

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

Signed *Peter T. Soule*
Applicant.

STATE OF IDAHO.

County of Lemhi

ss.

Jack Weigand

and

Doyle L. Mulkey

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Baker, Idaho that he is user of water from Pratt Creek in Water District No. 79-B County of Lemhi, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Kester T. Soule and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Jack Weigand
Doyle L. Mulkey

Subscribed and sworn to before me this 8th day of January

A. D. 1956.....

Charles Henderson

Notary Public for State of Idaho
Residing at Salmon, Idaho

STATE OF IDAHO.

County of Lemhi

ss.

I, Russell R. Hartvigsen, Watermaster of Water District 79 B Pratt Cree Water District No. 79-B, County of Lemhi, State of Idaho, whose postoffice address is Baker, Idaho, have read or heard read the foregoing affidavit and petition of Kester T. Soule, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Watermaster Dist. No. 79-B

Russell R. Hartvigsen

Dated at Baker, Idaho, this

day of Jan

19 56

Name of Applicant.....

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Point of Diversion

Transferred from:

Transferred to:

PRATI