

RECEIVED

DEC 14 1917

OFFICE OF STATE ENGINEER

NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT

Notice is hereby given that Edward O'Neal of Patterson, Idaho, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of one hundred sixty (160) inches of the water of Morgan creek from the land upon which it is now used, i. e. SE $\frac{1}{4}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec 24, T. 15 N., R. 21 E., B. M., to the following described tract: S $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 12, and E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 13, T. 15 N., R. 21 E., B. M.

And that, on the 6th day of October, A. D. 1917, at Patterson, Idaho, before the State 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.

34-38.

J. H. SMITH,
State, Engineer.

AFFIDAVIT OF PUBLICATION.—The Salmon Herald.

State of Idaho, County of Lemhi, ss:

I, Edwin K. Abbott, Publisher of The Salmon Herald, a newspaper published weekly at Salmon, Idaho, do solemnly swear that a copy of the notice hereto attached,

Notice of Proposed Transfer of
Water Right.

was published weekly, in the regular and entire issue of said newspaper, and not in a supplement thereof, for five consecutive weeks, commencing with the issue dated August 24, 1917, and ending with the issue dated September 21, 1917.

Edwin K. Abbott

Subscribed and sworn to before me this 5th
day of December, 1917.

John H. Padgham
Notary Public,
Residence at Salmon, Idaho.

T-214

AFFIDAVIT OF PUBLICATION.—The Salmon Herald.

IN THE PROBATE COURT OF LEMHI COUNTY, STATE OF IDAHO,

In the Matter of **Transfer of Water Right**
by **Edward O'Neal**,
State of Idaho, County of Lemhi, ss:

I, **Edwin K. Abbott**, Publisher of *The Salmon Herald*,
a newspaper published weekly at Salmon, Idaho, do solemnly swear that a copy of the notice hereto attached,

Notice of Proposed Transfer of
Water Right,

was published weekly, in the regular and entire issue of
said newspaper, and not in a supplement thereof, for
five consecutive weeks, commencing with the issue
dated **August 24, 1917**, and ending with
the issue dated **Sept. 21, 1917**.

Edwin K. Abbott

Subscribed and sworn to before me this **24th**

day of **October**, 1917.

Arnell Cherry

Notary Public.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that **Edward O'Neal** of **Patterson, Idaho**, has applied to the **State Engineer of the State of Idaho** for a certificate authorizing him to transfer the use of one hundred sixty (160) inches of the water of **Morgan creek** from the land upon which it is now used, i. e. **SE $\frac{1}{4}$ of NW $\frac{3}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 24, T. 15 N., R. 21 E., B. M.**, to the following described tract: **S $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 12, and E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 13, T. 15 N., R. 21 E., B. M.**

And that, on the 6th day of **October**, A. D. 1917, at **Patterson, Idaho**, before the **State 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.

J. H. SMITH,
State Engineer.

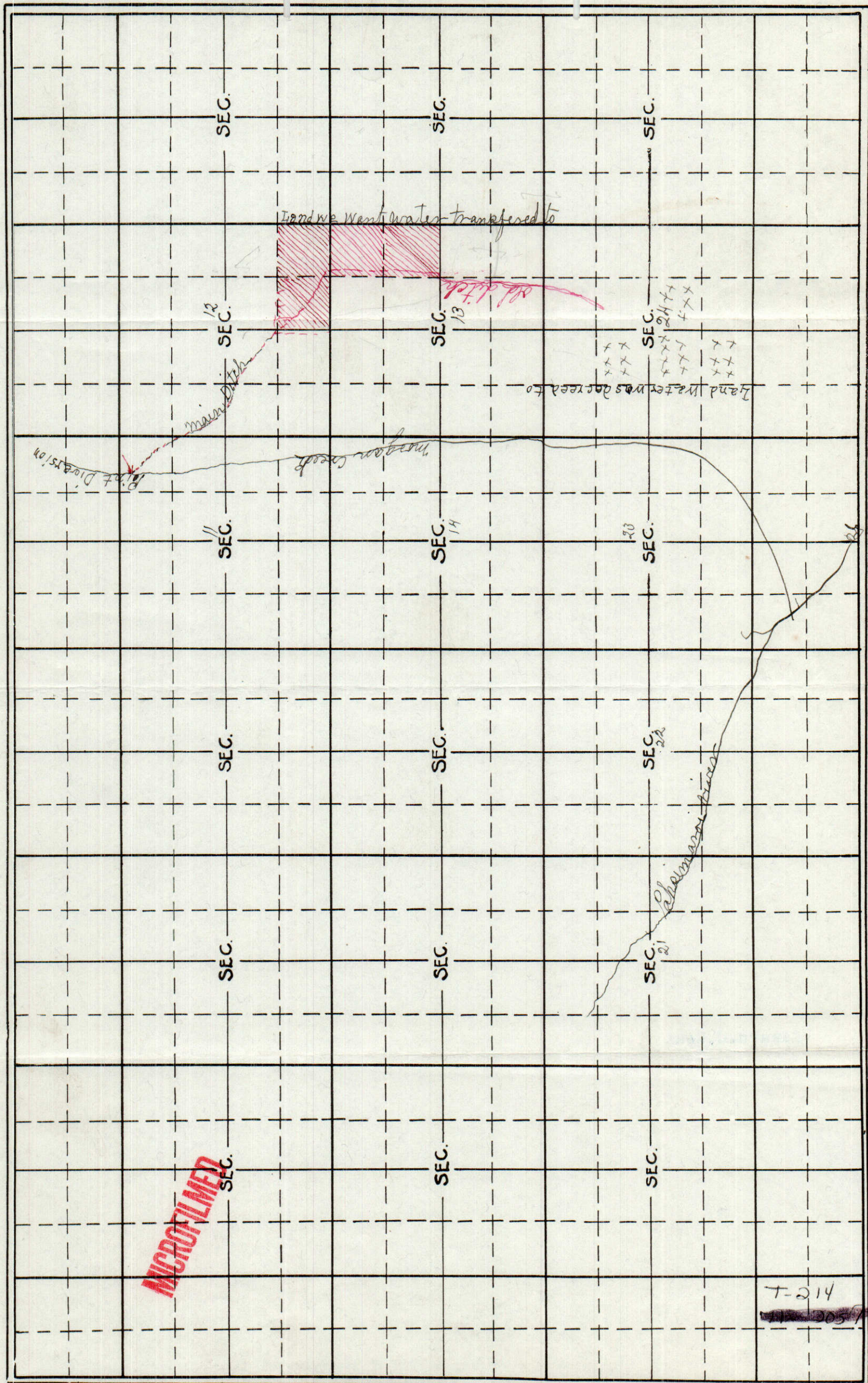
24-38.

RECEIVED

NOV 5 1917

OFFICE OF STATE ENGINEER

Name of Applicant Edward O'Neal



TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Lewis, M. N.	3.2		73-0133
214	O'Neal, Edward	3.2	0	73-0133A

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File 73-G

73-0133

S T A T E O F I D A H O

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 214, AUTHORIZING TRANSFER OF WATER RIGHT.

WATER DISTRICT NO. 19.

Permission is hereby granted Edward O'Neal, of Patterson, County of Lemhi, State of Idaho, to transfer the use of three and two-tenths (3.2) second feet of the waters of Morgan Creek, in Water District No. 19, County of Lemhi and State of Idaho, from the lands upon which it is now used, i.e., the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) East half of the Southwest quarter ($E\frac{1}{2} SW\frac{1}{4}$) and the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), Section 24, Township 15 North, Range 21 East of Boise Meridian, to the following described tract, to-wit:--South half of the Southeast quarter ($S\frac{1}{2} SE\frac{1}{4}$), Section 12, and the East half of the Northeast quarter ($E\frac{1}{2} NE\frac{1}{4}$), Section 13, Township 15 North, Range 21 East of Boise Meridian, said water to be diverted at a point in the Northeast quarter of Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), Section 11, Township 15 North, Range 21 East of Boise Meridian.

The water right appurtenant to the above described lands was adjudged by decree, dated October 26, 1898, of D. W. Standrod, Judge of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of H. F. Cochran, et al, plaintiffs, vs. W. J. Hammond, et al, defendants. The right to the use of said water was conveyed by deed from H. W. Lewis to Wellington Hammond and from said Wellington Hammond to Edward O'Neal, as shown in the application for transfer of water right filed by said Edward O'Neal.

The priority of the right under this Certificate of Transfer is November 24th, 1917.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of January, 1918.

J. H. SMITH,

State Engineer.

(SEAL)

Recorded in Water District No. 19. MB

Plotted on Map Water District No. 19.

Date of Priority: Nov. 24, 1917.

Amount 3.2 sec. ft.

Place of Use: $SE\frac{1}{4}$, Sec. 12, $E\frac{1}{2} NE\frac{1}{4}$,
Sec. 13, T. 15 N., R. 21 E., B. M.

Source of Supply: Morgan Creek.

Point of Diversion: $NE\frac{1}{4} NE\frac{1}{4}$, Sec. 11,

T. 15 N., R. 21 E., B. M.

of Morgan Creek, to be measured at the point of diversion, for the irrigation of her said lands, the right thereto to date from the year 1883.

IV.

That W. J. Hammond, Fred Horne and Duglass Kerns be, and they are hereby jointly awarded the continuous use of 300 inches of the flow of the waters of Morgan Creek, until the 15th day of July of each and every year for the irrigation of their said lands, to be measured at the point of diversion, the said joint interest and right thereto to date from the year 1885.

V.

That H. H. Cochran be, and he is hereby, awarded the continuous use of 160 inches of the flow of the waters of Morgan Creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thereto to date from May, 1891.

VI.

That Jennie Cochran be, and she is hereby, awarded the continuous use of 80 inches of the flow of the waters of Morgan Creek, to be measured at the point of diversion for the irrigation of her said lands, the right thereto to date from June, 1895.

VII.

That Fred Horne and Ellen Kerns be, and they are hereby jointly, awarded the continuous use of 120 inches of the flow of the waters of Morgan Creek, to be measured at the point of diversion, for the irrigation of their said lands, the joint right thereto to date from April, 1897.

VIII.

That if any of the parties to this action does not receive the amount of water he or she may be, or are entitled to receive under this decree, then the court, or judge, shall appoint some suitable person, a commissioner of the court with full power and authority to carry into effect the provisions of this decree.

IX.

That each of the parties hereto shall bear and pay his own necessary costs and disbursements herein incurred, and that if a commissioner shall be appointed each party hereto shall pay his or her proportion of the salary of such commissioner in proportion to the amount of water he or she receives.

X.

That the water herein adjudged and decreed shall be measured by means of a box of one rod or one-half rod in length, constructed of lumber not less than one inch in thickness and set on a solid foundation. The measurement shall be made at the head of the box and the water for at least 50 feet above and below the box shall run as nearly as practicable the same grade as the box has, which shall be, in case the box is one rod long a fall of one-half inch, and if one-half rod long a fall of one-quarter of an inch, that is the fall of the water shall be one-half inch to the rod when the water flows no deeper than six inches, when it flows nine inches deep then the fall to the rod shall be one-quarter of an inch. The water shall be measured, flowing at a depth of not less than six or more than nine inches, and shall be without pressure other than the fall as above mentioned.

XI.

That this decree shall be and remain in force and effect one year from and after the 26th day of October, 1897, when the same may be changed or modified by the court; and if not so changed or modified by the court at the expiration of said year then to remain and be in force and effect.

Dated this 26th day of October, 1897.

D. W. STANDROD,

Judge.

In the District Court of the Fifth Judicial District of Idaho, in and for Lemhi County.

H. H. Cochran *et al.*, Plaintiffs,

vs.

W. J. Hammond *et al.*, Defendants.

This cause came on for hearing on motion of counsel for the plaintiff, that the judgment rendered in the said cause on the 26th day of October, 1897, be modified under the terms of said judgment providing for the modification of the same, G. F. Hansbrough, appearing as counsel for the plaintiff, H. H. Cochran, and A. B. Gough, appearing as counsel for the defendants, and both parties consenting to the introduction of testimony relating to the supply of waters involved and the usage of the same during the last irrigating season of 1898, and witnesses for and on behalf

of both parties to said action having been sworn testified concerning the supply of said water.

The court finds that during the early spring the supply of water in Morgan Creek is not sufficient under the terms of the decree to furnish any water to the plaintiff, H. H. Cochran, for his garden and orchard and that ten inches is a sufficient amount therefor.

It is ordered that the said decree be modified and it is so modified that said plaintiff has the right to the use of ten inches of the waters of Morgan Creek, for the purpose above mentioned from the beginning of the irrigating season of each year until the 1st day of June of each year, and the right to the use of said water during said time is adjudged and decreed to said plaintiff, said right to be next in priority to the rights of M. N. Lewis, W. J. Hammond and Jane Hammond, the same being the first right of 320 inches.

Provided, further, That at no time shall the said plaintiff's right to the use of the waters of said stream exceed in amount 160 inches, and the measurement of ten inches herein decreed shall be governed by the same method as is specified in said decree.

Provided, further, That said decree be modified and it is hereby modified so that the date fixed as the time when the claimants under the second right, namely, W. J. Hammond, Fred Horne and Douglass Kerns, shall cease to take the water from Morgan Creek, shall be changed from July 15th of each year to July 16th of each year.

Done in open court this October 27th, 1898.

D. W. STANDROD.

State of Idaho, County of Lemhi, ss.

I, the undersigned, Clerk of the District Court of the Sixth Judicial District of Idaho, in and for the County of Lemhi, do hereby certify the foregoing to be a true copy of the judgment in the action of H. H. Cochran et al. vs. W. J. Hammond et. al. and recorded in my office in Judgment Book "A" at page 450 of the records of said county.

In witness whereof, I have hereunto set my hand and affixed my official seal, this 4th day of April, 1903.

(Seal.)

W. C. SMITH,

Clerk.

SECOND DIVISION.

FRANK RIBLETT, *Commissioner.*

ALBION, IDAHO.

1903.

DECREED WATER RIGHTS,

Morgan Creek, Lemhi County.

JUDGMENT.

In the District Court of the Fifth Judicial District of the State of Idaho, in and for Lemhi County.

H. H. Cochran and Jennie Cochran, Plaintiffs,

vs.

W. J. Hammond, M. N. Lewis, Jane Hammond, Fred Horne, Douglass Kerns and Ellen Kerns, Defendants.

This cause coming on to be heard upon the findings of fact and conclusions of law herein filed, and the court being fully advised in the premises, it is ordered, adjudged and decreed:

I.

That M. N. Lewis be, and he is hereby, awarded the continuous use of 160 inches of the flow of the waters of Morgan Creek, to be measured at the point of diversion, for the irrigation of his lands, the right thereto to date from the year 1883.

That W. J. Hammond be, and he is hereby, awarded the continuous use of 106 2-3 inches of the flow of the waters of Morgan Creek, to be measured at the point of diversion, for the irrigation of his lands first described, the right thereto to date from the year 1883.

That Jane Hammond be, and she is hereby, awarded the continuous use of 53 1-3 inches of the flow of the waters

T-214

IN THE OFFICE OF THE STATE ENGINEER

OF THE

STATE OF IDAHO.

Water District No. 19.

In the Matter of the Application)
of Edward O'Neal, for Transfer :
of Water Right on Morgan Creek - : D E C I S I O N.
Lemhi County, Idaho.)

This application was filed July 23rd, 1917, and a hearing set for October 6th, at May, Idaho.

Advertisement was duly made in the Lemhi Herald for four consecutive weeks prior to October sixth. No protests or objections were filed, and the hearing was held at May, Idaho, on October 6th, 1917. A full report of said hearing having been duly filed in this office, and after fully considering all the evidence and having the facts duly established, it is hereby ordered.

That a Certificate of Transfer be issued to the said Edward O'Neal authorizing the transfer of One Hundred Sixty (160) miners' inches, or three and two tenths (3.2) second feet from the $SE\frac{1}{4}$ $SW\frac{1}{4}$, $E\frac{1}{2}$ $SW\frac{1}{4}$ & $NW\frac{1}{4}$ $SE\frac{1}{4}$, Sec. 24, Tp. 15 N., R. 21 E. B. M., to the $S\frac{1}{2}$ $SE\frac{1}{4}$, Sec. 12, and the $E\frac{1}{2}$ $NE\frac{1}{4}$, Sec. 13, Tp. 15 N., R. 21 E. B. M., and all right to the use of water for irrigation of the said $SE\frac{1}{4}$ $NW\frac{1}{4}$, $E\frac{1}{2}$ $SW\frac{1}{4}$, $NW\frac{1}{4}$ $SE\frac{1}{4}$, Sec. 24, Tp. 15 N., R. 21 E. B. M., shall be forfeited and abandoned, and one hundred-sixty inches or three and two-tenths second feet to be dedicated and become appurtenant to the $S\frac{1}{2}$ $SE\frac{1}{4}$, Sec. 12, and the $E\frac{1}{2}$ $NE\frac{1}{4}$, Sec. 13, Tp. 15 N., R. 21 E. B. M., bearing date of priority of the year 1883, to be diverted from Morgan Creek, Water District Number 19, in Lemhi

County, Idaho, and the said Edward O'Neal shall not be allowed to divert from any stream or water supply, to or upon the said $SE\frac{1}{4}$ $NW\frac{1}{4}$, $E\frac{1}{2}$ $SW\frac{1}{4}$ & $NW\frac{1}{4}$ $SE\frac{1}{4}$, Sec. 24, Tp. 15 N., R. 21 E. B. M., or any part thereof, any water under an earlier date of priority than the date of this order, to-wit: November 24th, 1917.

WITNESS, My hand and the seal of my office, at Boise, Idaho, this 24th day of November, 1917.



State Engineer.

January 29, 1918.

Re Certificate of Transfer.

Mr. Edward O'Neal,
Patterson, Idaho.

Dear Sir:--

Am enclosing herewith your certificate for transfer
of water right.

Very truly yours,

J. H. SMITH,

State Engineer.

CT214

By _____

T-214

J. H. SMITH
STATE ENGINEER
FRED A. WILKIE
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department
Boise

January 12, 1918.

Re; Water Right.

Mr. Ed O'Neal,
Patterson, Idaho.

Dear Sir:

Replying to your letter received today would state that we do not find your name upon our record book. If you will give us the number of the permit under which you filed the affidavit, we will be better able to locate the right.

Very truly yours,

J. H. SMITH,
State Engineer.

By *Ch Brown*

CB/MB

Dear Sir:
Will enclose your letter of Jan 21 hoping
it will help you to straighten out your case. I am
in the affidavit. The last one of my record from
the Salmon would you sent - that's the one in the heavy
at - Patterson Co. - 6. Everything seemed all right - sorry
to trouble you so much. Yours very truly
Edward O'Neal Patterson Idaho
T-214

January 12, 1918.

Re; Water Right.

Mr. Ed O'Seal,
Patterson, Idaho.

Dear Sir:

Replying to your letter received today
would state that we do not find your name
upon our record book. If you will give us
the number of the permit under which you
filed the affidavit, we will be better able
to locate the right.

Very truly yours,

J. H. SMITH,

State Engineer.

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CB/EB

MICROFILMED

T-214

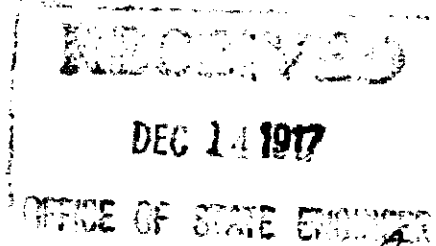
J H Smith
State-Engineer
Boon-

Dear Sir

Dear Sir -
I send you by reg. mail
the second official -
second & publishing -
for water -
would like to know
if you second at OK
Yours truly

Ed Abel

T-214 Patterson
~~Boon~~ Delah



J. H. Smith
Dear Sir:

I have received
a second duplicate copy
from the Salmon Herald
I sent you one some
time ago. Very sorry it was
lost as it takes some
time to get mail from
Salmon. Being so very
far from Portland I hope
I shall very soon find
way for you to receive it.

Yours very truly
Ed. H. Hall

Patterson
Camp Co. Idaho

RECEIVED

DEC 14 1917 AFFIDAVIT OF PUBLICATION.—The Salmon Herald.

OFFICE OF STATE ENGINEER

State of Idaho, County of Lemhi, ss:

I, Edwin K. Abbott, Publisher of The Salmon Herald, a newspaper published weekly at Salmon, Idaho, do solemnly swear that a copy of the notice hereto attached,

Notice of Proposed Transfer of
Water Right.

was published weekly, in the regular and entire issue of said newspaper, and not in a supplement thereof, for five consecutive weeks, commencing with the issue dated August 24, 1917. **MICROFILMED** the issue dated September 21, 1917.

Edwin K. Abbott

Subscribed and sworn to before me this 5th
day of December, 1917.

John H. Padgham
Notary Public,
Residence at Salmon, Idaho.

T-214

November 22nd, 1917.

Re: Transfer of Water Right.

Mr. Edward O'Neal,

May, Idaho.

Dear Sir:

In looking over the papers in connection with your application for transfer of water right, I find the affidavit of publication has not yet been received. Will you please forward it at once, and we will issue the Certificate.

Very truly yours,

J. H. SMITH,

State Engineer.

By

Deputy.

EAH:FM

File: App. for Transfer - Edward O'Neal.

MICROFILMED

T-214

October 3, 1917.

Mr. S. E. Vance,
Idaho Falls, Idaho.

Dear Sir:

I hand you herewith the papers necessary to conduct the hearing and examination on application for transfer of Mr. O'Neil in District 19. The following suggestions will be sufficient for you to determine the facts necessary for a decision.

What kind of right is now used? (Permit, Location or Decree)

Date of its priority?

How many acres actually irrigated?

How much water needed per acre?

If he abandoned the use of water where it is now being used, how will it affect future crops?

From what stream is it now diverted?

What location? (To 40 acre subdivision)

What ditch is it carried through?

Kind of crops being raised?

From what stream will it be diverted if transferred?

What location?

What ditch?

Will there be a saving or loss in transportation under the new plan?

Is there any waste land covered by the right from which the transfer is to be made?

Is any of it swampy?

How much?

Get affidavit of publication.

T-214

S.E.V. 10/3/17. #2.

Get answers to these questions from the principal and any witnesses, and verify by an examination.

Let any interested parties give testimony, but reduce it all to writing and have it signed.

Make no statements whatever as to your views. You are simply to gather facts.

Very truly yours,

J. H. Smith,

State Engineer.

By

FAW/ME

Deputy.

File ~~FAW/ME~~ App. for Trans. *Edward A. Neill*

~~FAW/ME~~

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T-214

State of Idaho
Engineering Department
Boise

Mr. Edward O'Neal, being duly sworn, deposes and says that he is the Edward O'Neal whose application for transfer of water right for 160 inches of the waters of Morgan Creek, in Lemhi County is now on file in the office of the State Engineer of Idaho, at Boise, Idaho; and that he has paid to the publisher of the Lemhi Herald the fee for publishing his notice of application for transfer of water right; and that he has not to date received from the publisher of the Lemhi Herald, any receipt or affidavit of publication of said notice.

Edward O'Neal

Subscribed and sworn to before me this 6th day of October at Patterson, Idaho.

Samuel T. Gary
Justice of the Peace.

T-214

J. H. SMITH,
STATE ENGINEER
FRED A. WILKIE,
DEPUTY STATE ENGINEER

Examination

Hearing on Canal Transfer Case

State of Idaho
Engineering Department
 Boise

Mr. Edward O'Neal

1. What is your name? Edward O'Neal.
2. What is your post office? Patterson, Idaho.
3. What is your interest in this hearing? Principal.
4. What kind of right is now used upon land from which transfer is being asked? Deeded right to 160 inches of the flow of Morgan Creek, having a date of priority of 1883, the same being deeded to M. N. Lewis by Judge D. W. Standard, Oct. 26, 1897, in the case entitled H. H. Cochran and Jennie Cochran vs W. J. Hammond, M. N. Lewis et al.
5. How many acres are actually being irrigated under this right? 160 acres.
6. How much water is needed per acre on this tract? One inch per acre until ~~July 1~~ ^{June 1}, each year. - after that date none is needed.
7. If use of water is abandoned where it is now being used how will it affect future crops? It will be a benefit.
8. From what stream is the water being diverted? Morgan Creek.
9. What location? NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, T. 15 N. R. 21 E. B. M.
10. In what ditch? Wellington-Hammond ditch.
11. For what crops? Wild hay.
12. If transferred from what stream will it be diverted? Morgan Creek.
13. What location? Same place as now - NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, T. 15 N. R. 21 E. B. M.
14. In what ditch? Wellington-Hammond ditch.
15. Will there be a saving or a loss in transportation under the proposed new plan? Saving of 1 $\frac{1}{2}$ miles in distance, and some in quantity.
16. Is there any waste land covered by the right from which the transfer is to be made? None, except that which is cut up by the natural channel of Potato Creek, probably ten acres.

MICROFILMED

State of Idaho
Engineering Department
 Boise

(2)

17. How much? — 10 acres.
18. What is its nature? Potato Creek natural channel.
19. Has the land to which transfer is desired at the present time, any water right? — High Water right from Morgan Creek.
20. What is the nature of the right? One inch per acre, but don't know if there is any decree or permit, for some twenty years, water has been used during high water time.
21. What crops and of what extent are now being raised on the land to which transfer is desired? About 100 acres in alfalfa and oats.
22. When does flow of Morgan Creek get too low to supply the land to which transfer is desired? — Before June 1, of each year.
23. How has this land been supplied in order to keep it in cultivation? Have been using the water for which the transfer is asked for at least fifteen years on this land part of the time.

State of Idaho }
County of Latah }

(Signed)

Edward O'Neal

Mr. Edward O'Neal, being duly sworn deposes and says that he has read the above twentythree questions and answers, that he has signed the above and the answers given are true to the best of his knowledge and belief.

Edward O'Neal

Subscribed and sworn to before me this 6th day of October, 1917, at Patterson, Idaho.

John T. Cary
Justice of the Peace.

T-214

Copy

Hearing on ~~proposed~~ application for transfer of water right of Mr. Edward O'Neal of Patterson, Idaho.

Hearing was held at the residence of Sam. F. Cary, Justice of the Peace, at Patterson, Idaho, at 12:00 Noon, Oct 6th, 1917.

Mr. Edw. O'Neal, the Principal was the only witness examined, none others appearing.

Examination of Mr. O'Neal.

1. What is your name?
Edward O'Neal.
2. What is your Postoffice?
Patterson, Idaho.
3. What is your interest in this hearing?
Principal.
4. What kind of right is now used upon land from which transfer is being asked?
Decreed right to 160 inches of the flow of Morgan Creek, having a date of priority of 1883, the same being decreed to M. N. Lewis, by Judge D. W. Standrod, Oct. 26, 1897, in the cause entitled H. H. Cochran, and Jenny Cochran, v.s. ~~W. J. Hammond~~, M. N. Lewis, et al.
5. How many acres are actually being irrigated under this right?
160 acres.
6. How much water is needed per acre on this tract?
One inch per acre until June 1st of each year; after that date none is needed.
7. If use of water is abandoned where it is now being used, how will it affect future crops?
It will be a benefit.
8. From what stream is the water being diverted?
Morgan Creek.
9. What location?
NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec 11, T 15N, R 21E, S.M.
10. In what ditch?
Wellington Hammond Ditch.
11. For what crops?
Wild hay.
12. If transferred, from what stream will it be diverted?
Morgan Creek.
13. What location?
Same place as now. NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 11, T 15N, R 21E, S.M.
14. In what ditch?
Wellington Hammond Ditch.

T-214

15. Will there be a saving or a loss in transportation under the proposed new plan?
A saving of one and one-half miles in distance, and some in quantity.
16. Is there any waste land covered by the rights from which transfer is to be made.
None, except that which is cut up by the natural channel of Potato Creek- probably ten acres.
17. How much?
Ten acres.
18. What is its nature?
Potato Creek, natural channel.
19. Has the land to which transfer is desired at the present time any water-right?
High water-right from Morgan Creek.
20. What is the nature of the right?
One inch per acre, but don't know if there is any decree or permit. For some twenty years water has been used during high water times.
21. What crops and of what extent are being raised on the land to which transfer is desired?
About one hundred acres in alfalfa and oats.
22. When does flow of Morgan Creek get too low to supply the land to which transfer is desired?
Before June 1st of each year.
23. How has this land been supplied in order to keep it in cultivation?
Have been using the water for which the transfer is asked for at least fifteen years on this land part of the time.

*State of Idaho } ss.
County of Lemhi }*

(SIGNED) Edward O'Neal.

Mr. Edward O'Neal, being duly sworn deposes and says, that he has read the above twenty-three questions and answers, that he has signed the above, and the answers given are true to the best of his knowledge and belief.

Edward O'Neal.

Subscribed and sworn to before me this 6th day of October, 1917, at Patterson, Idaho.

Sam. F. Cary
Justice of the Peace.

T-214

J. H. SMITH.
STATE ENGINEER
FRED A. WILKIE.
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department
Boise

Attention, Mr. Wilkie.

Idaho Falls, Idaho.
Oct. 8, 1917.

Mr. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:

I am returning the papers which you sent me in connection with the hearing on the application for transfer of water right of Edward O'Neal of Patterson, Idaho, together with the record of the hearing.

Owing to the distance from Patterson to Salmon, and the poor mail service, Mr. O'Neal did not have the affidavit of publication, which should have been furnished him by the Publisher of the Lemhi Herald.

Yours respectfully,

SEV/M.

S. E. Vance, Jr.

*Write for affidavit of
Publication +*

RECEIVED

T-214

Idaho Falls, Idaho, Oct 8, 1917.

Mr. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:-

On October 6, 1917, I went over the ground, making an examination in connection with the application for transfer of water right of Edward O'Neal of Patterson, Idaho, for water of Morgan Creek, Lemhi County.

The heading of the Wellington-Hammond ditch (Through which Mr. O'Neal draws water from Morgan Creek), is approximately in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, T. 15 N. R. 21 E. B. M. in the mouth of the Morgan Creek canyon. In the canyon, Morgan Creek spreads into several channels, and there are several small diversion dams or embankments in these channels which hold the water to the left side of the canyon where the head of the Wellington-Hammond ditch is located.

From the point of diversion, the ditch runs across and down a gravelly bar for about one mile to the place where it enters the land upon which it is proposed to transfer the water. This section of the ditch is about three feet wide, of varying depths, and has a grade of from 50 to 100 feet per mile. From this point the ditch has an average grade of about 20 feet per mile for about $1\frac{1}{2}$ miles which carries it to the land upon which it is now used.

The present place of use for the water for which the transfer is desired is SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 15 N. R. 21 E. B. M. The only crop raised on this tract of land is wild hay. A small stream, Potato Creek, enters the tract near the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, and crosses in a southwesterly direction through the land. This stream is rather winding and cuts up some of the land so that it is only good for pasture. Probably 10 acres of land is affected this way by Potato Creek. In the SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec 24, there is about 20 acres of land which is still in sage brush which has never been irrigated, although it could be by building a lateral or changing the location of the present ditch a little. The land which does come under the ditch has become very much water logged although not too miry for harvesting the wild hay. This condition is due largely to the surface water from adjacent or higher lands which are irrigated.

The land to which it is desired to have the water transferred, is SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 12, and W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 12, T. 15 N. R. 21 E. B. M. Of this land, the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12 is in sage brush and uncultivated; of the remainder, there is about 100 acres in alfalfa and oats. This 100 acres has been watered under a high water right during the early part of the season, and in the latter end of the irrigation season, the water for which the transfer is now being asked, has been used on it.

In case the water were used entirely on the land to which it is desired to have it transferred, it will mean a saving of about $1\frac{1}{2}$ miles of ditch through a gravelly soil, over the present ditch. There would be no change in the point of diversion for the water.

Respectfully submitted,

S. E. Vance, Jr.

T-214

August 28, 1917.

Re: Transfer of Water Right.

Mr. Edwin O'Neal,
May, Idaho.

Dear Sir:

Replying to your letter received here August 25th, will say that your application for transfer was duly received and ordered advertised and the date for hearing set for September 5th at Pattersen, Idaho.

Yours very truly,

J. H. Smith,

State Engineer.

By

Deputy.

FAW/LE

File: Appl. for Ts.

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RECEIVED
AUG 25 1917
OFFICE OF STATE ENGINEER

J H Smith
State Engineer
Boise Idaho

Dear Sir:

July 24. I send you
by reg mail asking to transfer
a water right according to your
instructions have not seen it.
published in ~~Journal~~ ^{Legislative} Herald yet
would you please let me know
if you received it and hope soon
it will be advertised

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T-214

App-Ts.

Very truly
Yours
John H. Smith
Boise Idaho

August 21st, 1917.

Re Transfer of water.

Publisher Lemhi Herald,
Salmon, Idaho.

Dear Sir:--

Enclosing herewith notice of transfer of water right,
which please publish for a period of four weeks prior to October 6th.
The expense of the publication will be paid by Edward O'Neal, to
whom please furnish affidavit of publication on or prior to October 6th.

Kindly mail me a copy of the first publication that I may compare
same with my records.

Very truly yours,

J. H. SMITH,

State Engineer.

N.

By _____

MICROFILMED

T-214

August 21st, 1917.

Re Transfer of ater.

Mr. Edward O'Neal,
Patterson, Idaho.

Dear Sir:—

I have set October 6th as the date for the hearing on your application for transfer of water right, said hearing to be before the State Engineer, or his deputy, at Patterson. Notice has been mailed to the Herald at Salmon for the required four weeks publication.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

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AFFIDAVIT OF PUBLICATION.—The Salmon Herald.

IN THE PROBATE COURT OF LEMHI COUNTY, STATE OF IDAHO.

In the Matter of Transfer of Water Right

by Edward O'Neal,

State of Idaho, County of Lemhi, ss:

I, Edwin K. Abbott, Publisher of The Salmon Herald, a newspaper published weekly at Salmon, Idaho, do solemnly swear that a copy of the notice hereto attached,

Notice of Proposed Transfer of
Water Right,

was published weekly, in the regular and **MICROFILMED** *issue of said newspaper, and not in a supplement thereof for five consecutive weeks, commencing with the issue dated August 24, 1917, and ending with the issue dated Sept. 21, 1917.*

Edwin K. Abbott

Subscribed and sworn to before me this 24th day of October, 1917.

Friedrich

Notary Public.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Edward O'Neal of Patterson, Idaho, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of one hundred sixty (160) inches of the water of Morgan creek from the land upon which it is now used, i. e. SE $\frac{1}{4}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 24, T. 15 N., R. 21 E., B. M., to the following described tract: S $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 12, and E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 13, T. 15 N., R. 21 E., B. M.

And that, on the 6th day of October, A. D. 1917, at Patterson, Idaho, before the State 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.

J. H. SMITH,
State Engineer.

Notice of Proposed Transfer of Water Right

Notice is hereby given that Edward O'Neal of Patterson,
Idaho, has applied to the State Engineer of the State of Idaho for a certificate
authorizing him to transfer the use of one hundred sixty (160) inches of the water of
Morgan Creek
from the land upon which it is now used, i. e. SE $\frac{1}{2}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{2}$, Sec. 24,
T. 15 N., R. 21 E., B.M.
to the following described tract: S $\frac{1}{2}$ of SE $\frac{1}{2}$, Sec. 12, and E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 13, T. 15 N., R. 21 E., B.M.

And that, on the 5th day of October, A. D.
1917, at Patterson, Idaho,
State Engineer
before the ~~Water Commissioner of the Division~~ 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 certifi-
cate should not be issued authorizing such transfer.

~~Full details of the proposed transfer may be obtained from~~
Watermaster of said stream.

J. H. SMITH,
State Engineer.

J. H. SMITH,
STATE ENGINEER
FRED A. WILKIE,
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department

Boise

July 9, 1917.

Mr. Edward O'Hall,
Patterson, Idaho.

Dear Sir:

Enclosed herewith find applications
for transfers of water right, and my
correspondence with you a few days ago. These
matters, I think, will explain everything
that is necessary to be done. Please see and
file same carefully.

Very truly yours,

J. H. SMITH,

State Engineer.

Edw. Wilkie
Deputy.

Enc.: 1. #20.

Enc.: 2.

10-11.

Please advise in The Salmon Herald
Salmon Embroidery
Edw. Wilkie
Official Patent Embroidery

J. H. SMITH,
STATE ENGINEER
FRED A. WILKIE,
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department

Boise

July 9, 1917.

Mr. Edward O'Neil,
Patterson, Idaho.

Dear Sir:

Enclosed herewith blank applications
for transfers of water right, as per my
conversation with you a few days ago. These
blanks, I think, will explain everything
that is necessary to be done. Please prepare
the maps carefully.

Very truly yours,

J. H. SMITH,

State Engineer.

By *Fred A. Wilkie*

Deputy.

Enc.: F. #20.

FAW:FM

19-A.

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*Please advertise in The Salmon Herald
Salmon Lemhi &
Idaho.
Official Patent & Land
T-214*

*Yours very truly
Edw O'Neil*

Application for Transfer of Water Right

STATE OF IDAHO.

County of Lemhi

ss.

Edward Oneal

being first duly sworn, deposes and says:

That his name is EDWARD ONEAL; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Patterson, Lemhi county, Idaho.

That he is the owner and using a certain water right of (160) One hundred & sixty in of the waters of Morgan Creek

County of Lemhi, State of Idaho, decreed to M.N. Lewis

by decree of Judge D.W. Standred

of the

fifth Judicial District of the State of Idaho, in and for the County of Lemhi

in the case of H.H. Cochran and Jennie Cochran against

M.J. Hammond, M.N. Lewis, & Jane Hammond, said decree bearing date of from 1883

(or obtained by virtue of License No. issued by the State Engineer of the State of Idaho, dated), for the purpose of irrigating the

following described lands situate, lying and being in the County of Lemhi and

State of Idaho, to-wit: the Southeast quarter of the Northwest quarter, East half of the Southwest quarter and Northwest quarter of Southeast quarter of Section 24, Twp. 15, N.R. 21, E.B.M. containing 160 acres,

and is the person (or the representative of the cor-

poration) to whom such right so issued, or has become the owner thereof in the following manner, i. e. Edward Oneal purchased the water right and the lands, the water is applied upon from Wellington Hammond, the said Wellington Hammond Purchased the same from M.N. Lewis Party to whom water was decreed.

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 at a point in the Northeast quarter of Sec. 11, in Twp. 15, North of Range 21 East.

and conducted to the above described lands through a main ditch and laterals as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of the 160 inches 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: The South half of S.E. quar. of Sec. 12, The East half of the N.E. qua of Section 13,

That his reasons for desiring to make such transfer are as follows: since the lands East of and on higher ground than this 160 acres have been cultivated and irrigated the water rises on this 160 specified acres so much so that it does not require to be irrigated. It really has too much water at times without irrigating.

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That he intends to divert and convey said 160 inches of water to the tract of land last above described in the following manner, to-wit: ~~As the said lands are North of and nearer the headgate, and point of diversion, on Morgan creek, the lands can be irrigated through the main ditch by making some new lateral ditches, to distribute the water to these lands.~~

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of the Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

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

A. D. 1917.

Edw. O. Neal
Saloma J. Cleveland
Notary Public
May, Idaho.

STATE OF IDAHO.

County of Lemhi

} ss.

Aubrey O. Kobbé and B. L. Cleveland

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 near May, Idaho at May, Idaho, that he is a user of water from Pahsimanai river & Horse Creek County of Blaine & Lemhi State of Idaho; that he has read or heard read the foregoing affidavit and petition of

Edward O. Neal, 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.

Aubrey O. Kobbé
B. L. Cleveland

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

A. D. 1917.

Saloma J. Cleveland
Notary Public
May, Idaho

My term expires Sept. 5, 1918.

STATE OF IDAHO,

County of

} ss.

I, ...

Watermaster of

County of

State of Idaho, whose postoffice address is

....., have read or heard read the foregoing affidavit and petition of
....., 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 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.

Notice having been duly published for thirty days of the intention of the above named.....
..... to apply to the State Engineer of the State of Idaho for a certificate
authorizing the transfer of water as set forth in this affidavit and petition herein, and an opportunity having
been given to any and all persons opposing said transfer to present their objections in a public hearing before
me at, on, according to
the terms of said notice;

And it not appearing at said hearing that anyone would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said appli-
cant, authorizing the transfer as prayed for in his petition; or (and it appearing at said hearing that the fol-
lowing injuries would be sustained by others if such transfer is permitted).....
.....
.....
.....

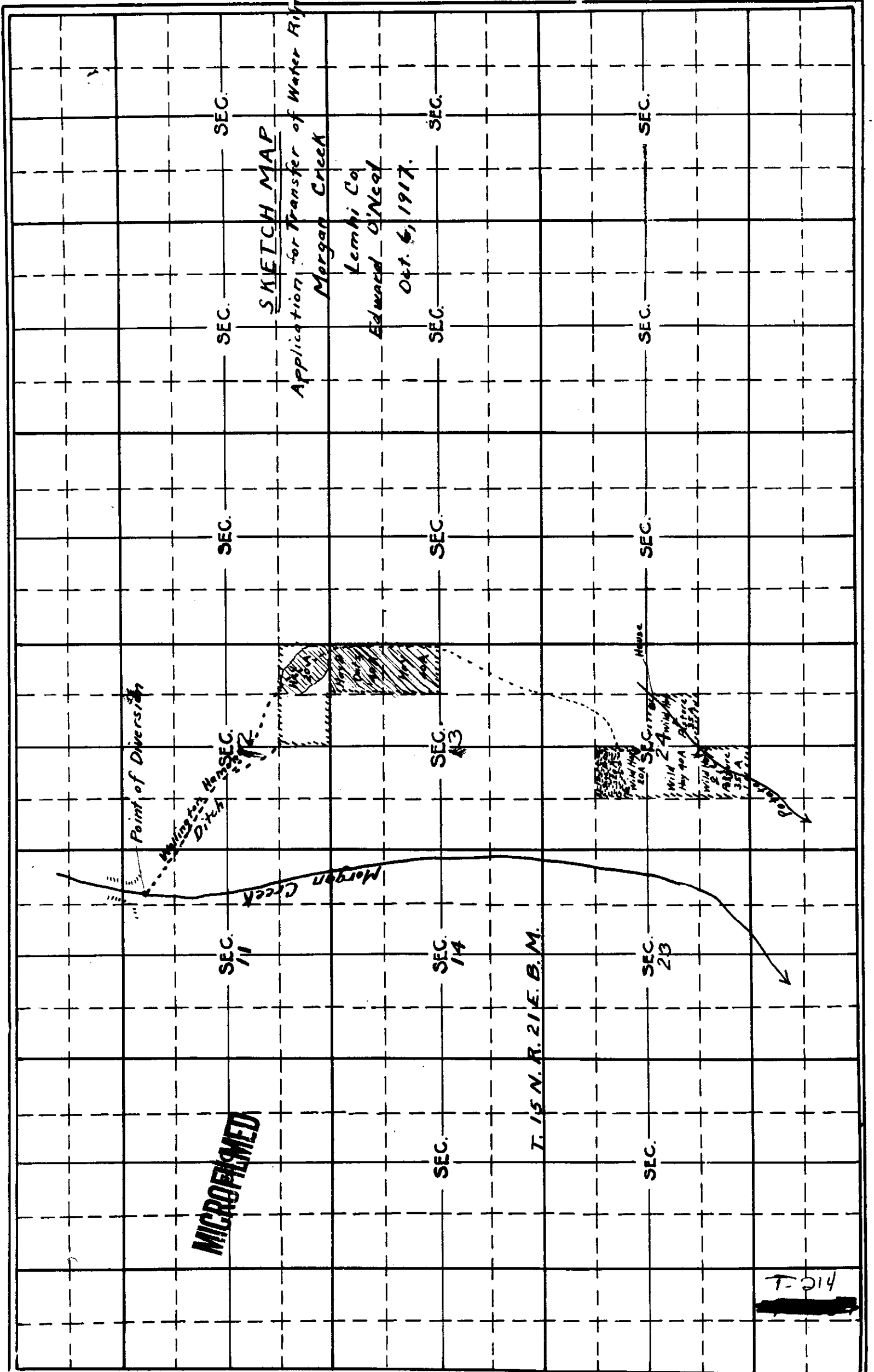
I hereby recommend that the State Engineer do not issue the certificate authorizing the transfer sought
hereinabove.

Commissioner of Water Division No.....

By.....

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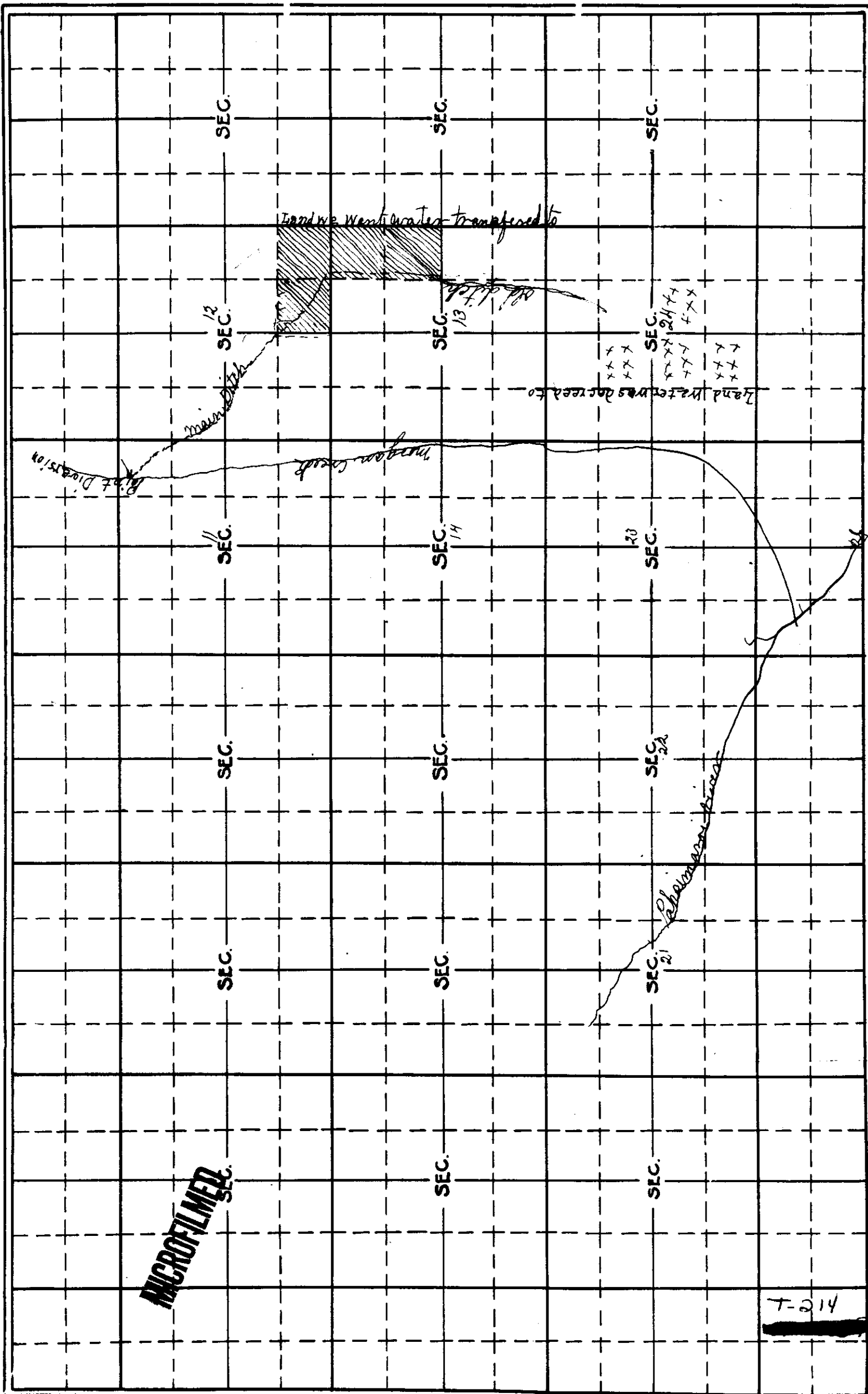
Name of Applicant



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Name of Applicant Edward O'Neal



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