

L+2

49

L+3

25

L+4

30

18

40

25

15

30

10

9

18

30

15

20

35

5

Lands Twisted

5500 m property value of 1944

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Transfer No. 3073Water Right No. 37-0059A
37-0344
37-0973STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Ernest A. Bryant III Phone 886-2902
Post Office address % Fred Brossy
Box 669, Shoshone Idaho 83352

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

Water and Land purchased from Arkoosh (See attached documents)3. Source of water Little Wood River tributary to Malad River4. Date of priority (See Attached Sheets)

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is _____ 1/4 of _____ 1/4 of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purpose as described above _____

In addition to above described rights applicant has 314 A.F. of storage water delivered on demand from Magic Reservoir by contract.10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D. REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated: _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information 37-0059A Part 0.28
37-0344 Part 4.00
- a. Amount of water to be diverted 37-0973 2.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works Existing headgates at Meyers 73, Meyers 74, and Meyers 75 diversions plus additional diversion with new headgate & meas. device.
- c. Describe the reasons for the proposed changes Old diversions deliver to earthen ditches which run for miles. With addition of new diversion ditch loss will be cut when watering lower lands.
2. Change in point of diversion (New Diversion)
- Point of diversion SW ¼ SE ¼, Section 30 Township 5S
Range 17E, B.M., Lincoln County
Additional points (Meyers 73) NE¼NE¼ Sec. 32, T5S, R17E, B.M.
(Meyers 74) NW¼SW¼ Sec. 29, T5S, R17E, B.M.
(Meyers 75) Center SE¼ Sect 30, T5S, R17E, B.M.
3. Change in place of use NO CHANGE from lands presently irrigated.
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None P/U will remain the same however with additional diversion
the lands will be more efficiently irrigated.

A. DESCRIPTION OF RIGHT AS RECORDED ErnestA. Bryant III

1. Right evidenced by:

a. Decree No. 37-0973 Decreed to Fred Stiffler (Name)
in case of Woodworth et al vs Frank Anthony et As Amended
dated in 11/10/1903 in 4th Judicial Dist. county of Blaine
(Name of court)

3. Source of water Little Wood River tributary to Malad

4. Date of priority 4/1/1884

5. Water is used for the following purposes:

amount 2.0 for Irrigation purposes from *Not listed in Decree
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.0 cubic feet per second
&/or
b. _____ acre feet per annum

*Not listed in decree but historically diverted from Meyers 73, 74, 75

7. Location of original point of diversion is _____ % of _____ % of Section _____

Township _____ Range _____, B.M., in _____ County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

Identified in Decree

Actually Irrigated

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
→ 5S	17E	30						Lt1 X	Lt2 X			Lt3 X							
→ 5S	17E	30						Lt1 8	Lt2 49			Lt3 25							82

Total number of acres to be irrigated _____

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

1. Right evidenced by:

a. Decree No. 3, 344 Decreed to C. P. Johnson

(Name)

in case of S. C. Frost et al

vs Alturas Water Co., et al

dated in 12/13/1909

in 4th Judicial Dist

county of Lincoln

(Name of court)

3. Source of water Little Wood River tributary to Malad River

4. Date of priority 4/6/1883

5. Water is used for the following purposes:

amount 4.60 for irrigation purposes from *Not listed in Decree
(month/day — both dates inclusive)

6. Total amount of water under right: a. 4.60 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is *Not listed in Decree 1/4 of Section _____

Township _____ Range _____, B.M., in _____ County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	17E	29										X	X	X					120
		30													X				40
		30			X	X					X			X		X	X	X	160
		31	X																*
																			280 listed in decree
* 4S	19E	31												X			X		440 Total
* 5S	19E	5										X							
		6	X	X	X	X	X			X					X	X			

Lt1 Lt2 Lt3

*Water is not used on these lands, but lands were listed in decree under C. P. Johnson Total number of acres to be irrigated _____

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 4.0 cubic feet per second
&/or
b. (Meyers 73) acre feet per annum

2. Point of diversion NE 1/4 NE 1/4, Section 32 Township 5S

Range 17E, B.M., Lincoln County

Additional points (Meyers 74) NW 1/4 SW 1/4, Sec. 29, T5S, R17E, B.M.

(Meyers 75) Near Center SE 1/4, Sec. 30, T5S, R17E, B.M.

3. Place of use: Lands not listed on Decree but historically irrigated by unrecorded transfer and now to be documented

Identified in Decree

Actual Irrigated

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	17E	29										X	X	X					120
		30			X					X	X			X	X	X	X	X	
		31	X																
5S	17E	29									15	20	35						70
		30			18		5			30	40			15	18	25	30	30	211
		31	9	10															19
		32					5	1											6
																			306

Total number of acres to be irrigated _____

9w37-0054

RECORDED

Right evidenced by:

a. Decree No. 37-6 JA Decreed to Big Cottonwood Coal Co.
(Name)
in case of S. C. Frost et al vs Alturas Water Co., et al
dated in Dec. 13, 1909 in 4th Judicial Dist county of Lincoln
(Name of court)

3. Source of water Big & Little Wood Rivers tributary to Malad River

4. Date of priority 5/27/1899

5. Water is used for the following purposes:

amount 187.84 cfs for irrigation purposes from *Not listed in Decree
(month/day — both dates inclusive)

6. Total amount of water under right: a. 187.84 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is *Not listed in Decree of Section _____

Township _____ Range _____, B.M., in _____ County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			See land list in Decree																

Total number of acres to be irrigated _____

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.28 cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion NE 1/4 NE 1/4, Section 32 Township 5S
Range 17E, B.M., Lincoln County

Additional points (Meyers 74) NW 1/4 SW 1/4, Sec. 29, T5S, R17E, B.M.

(Meyers 75) Near Center SE 1/4, Sec. 30, T5S, R17E, B.M.

3. Place of use:

Lands not listed on Decree but historically irrigated by }
unrecorded transfer and now to be documented

Identified in Decree

Actually Irrigated

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	17E	29									X	X	X						
		30			X		Lt1	Lt2			Lt3			X	X	X	X	X	
		31	X																
5S	17E	29									15	20	35						70
		30			18		5	8	49	30	40	25		15	18	25	30	30	293
		31	9	10															19

32

5

1

Total number of acres to be irrigated _____

6
388

Lt 2

49

Lt 3

25

Lt 4

30

15

40

20

30

10

9

30

18

15

30

100

Lands Limited

5500 Property

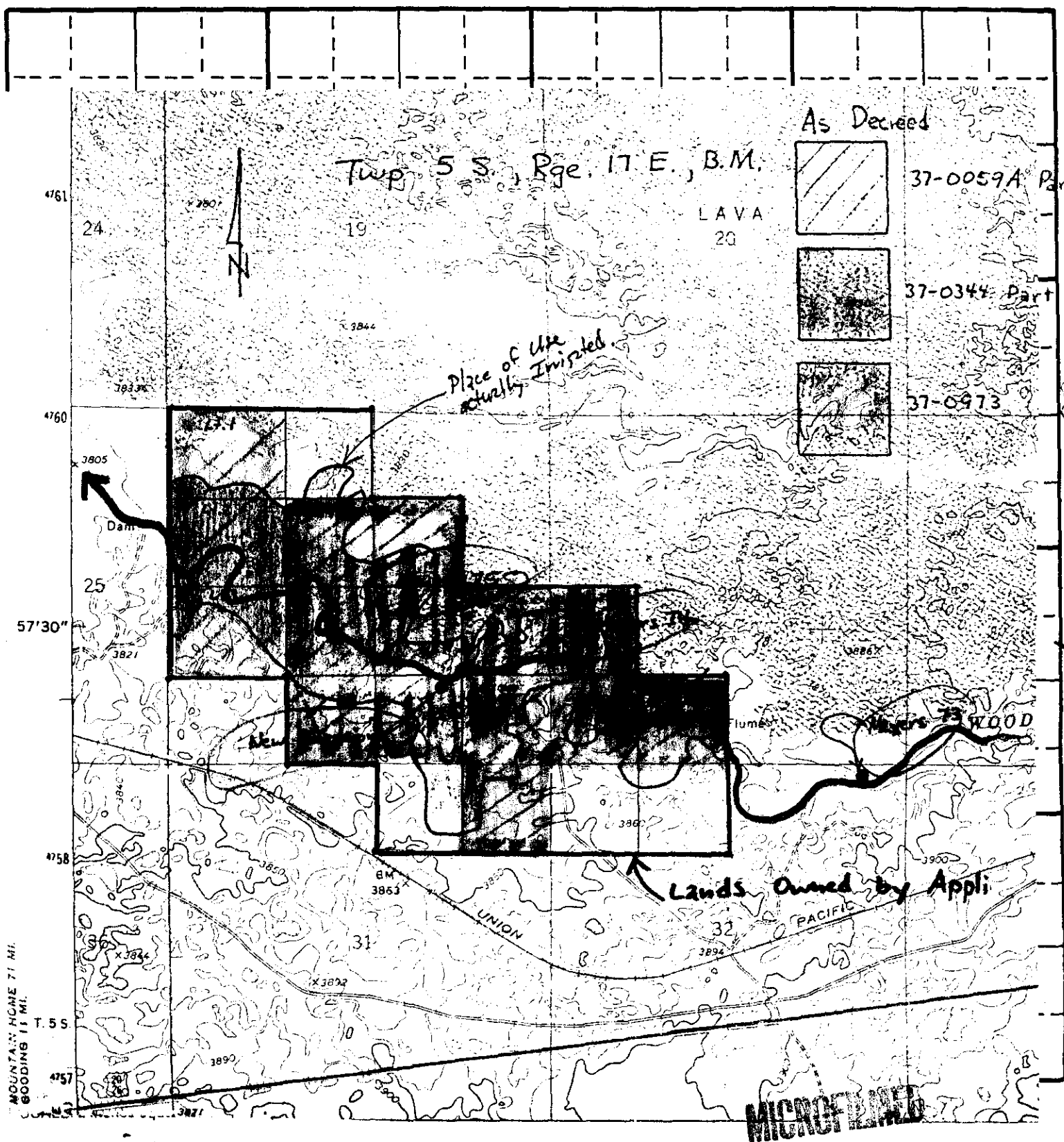
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c. Describe the place of use to which the right will be transferred:
Place of Use for presently irrigated lands

[illegible]

Total number of acres to be irrigated

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

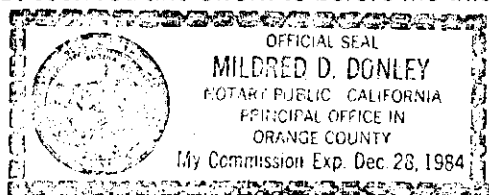
This transfer is basically being made to allow for addition of point of diversion however as a side benefit the actual place of use for the water rights as they have been used for many years is being documented. The attached aerial photo shows the present lands being irrigated as they have been for many years.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Ernesta Bryan
(Signature of Applicant)

Subscribed and sworn to before me this 31st day of July, 19 84



Mildred D. Donley
(Notary Public)

My commission expires Dec. 28, 1984

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0059D/0344B/0973 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 3711, Little Wood River.

Witness my hand this 24th day of October, 19 84

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by manya Date 8/6/84 Protest filed by _____
Prelim. check by GP Fee \$50. _____
Receipted by manya Date 8/7/84 # 33160 _____
Published in Lincoln Co. Journal Copies of protest forwarded by _____
Pub. dates 8/6 + 9/13/84 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for _____ approval _____ denial _____
_____ rec'd. _____ by Jen. Dir

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Benjamin Lisle, 55 inches from April 1, 1883. 37 989
 L. L. Ormsby, 200 inches from June 3, 1884. 37 970
 James Hunter, 110 inches from May 15, 1884. *First Decree*
 Daniel Hunter, 100 inches from May 15, 1886. 37 972
 Fred Stiffler, 100 inches from April 1, 1884. 37 973
 John Murphy, 230 inches from April 6, 1883. 37 974
 Sarrah J. Murphy, 60 inches from April 1, 1887. 37 975
 B. G. Mullins, 70 inches from July 17, 1884. 37 976
 W. H. Winters, 120 inches from April 1, 1890. 37 977
 Martin Johnson, 160 inches from April 1, 1884. 37 978
 James W. Bowman, 50 inches from April 1, 1885. 37 979
 Joseph M. B. Castro, 145 inches from April 1, 1884. 37 980
 John W. Dwyer, 15 inches from April 1, 1884. *First Decree*
 Edward McNulty, 60 inches from April 1, 1884. *First Decree*
 John R. Richards, 150 inches from April 1, 1885. 37 983
 Gus Raseler, 100 inches from April 30, 1884. 37 984
 N. E. Horton, 60 inches from Aug. 31, 1892. 37 985
 Joseph F. White, 180 inches from May 5, 1884. *First Decree*
 Patrick Hughes, 150 inches from April 30, 1884. *First Decree*
 J. C. Brown, 110 inches from April 1, 1887. 37 988
 John Ennis, 65 inches from May 5, 1884. 37 989
 Rose Ennis, 65 inches from May 5, 1884. 37 990
 Henry Bock, 95 inches from May 1, 1884. *First Decree*
 Gustave Nusgen, 90 inches from April 15, 1885. 37 992
 William Dill, 75 inches from April 1, 1883. *First Decree*
 H. M. Thatcher, 110 inches from April 1, 1884. 37 994
 W. B. Kelly, 40 inches from May 15, 1884. *First Decree*
 W. B. Kelly, 60 inches from May 15, 1885. *First Decree*
 Laura L. Thatcher, 225 inches from April 1, 1883. 37 997
 W. C. Hill, for the people of Shoshone, 60 inches from Nov. 28, 1882. 37 998

DEFENDANTS.

Van Heller, 60 inches from May 30, 1881. 37 999
 Archibald Billingsley, 25 inches from Nov. 30, 1882. 37 1000
 Archibald Billingsley, 75 inches from May 15, 1883. 37 1001
 Alexander J. Spicer, 100 inches from May 15, 1885. 37 1002
 James Miller, 30 inches from April 1, 1891. 37 1003
 William E. Phippen, 65 inches from May 2, 1884. 37 1004
 H. R. Butler, 70 inches from April 1, 1886. 37 1005
 Walter B. Davis, 100 inches from April 1, 1888. 37 1006
 Richard J. Scoble, 110 inches from April 1, 1884. 37 1007
 A. H. Billingsley, administrator of the estate of Marian Billingsley, 80 inches from May 15, 1880. 37 1008
 Billingsley, 30 inches from April 1, 1884. 37 1009
 James Ainsworth, 80 inches from June 20, 1883, and 80 inches from April 15, 1884. *First Decree*
 James Ainsworth, 80 inches from May 15, 1883, and 90 inches from April 15, 1884. 37 1012
 Joseph M. Pettigrew, 100 inches from April 15, 1886. *First Decree*
 Stephen Winchester, 80 inches from April 1, 1887. 37 1015
 Joseph Smith, 35 inches from May 1, 1881. *First Decree*
 Joseph Smith, 80 inches from April 1, 1884. *First Decree*
 George S. Harris, 100 inches from May 15, 1883. 37 1018
 Asa L. Womack, 25 inches from April 1, 1885, and 25 inches from April 1, 1888. 37 1019
 B. F. Morrison, 15 inches from Aug. 1, 1880, and 80 inches from April 1, 1881. 37 1021
 Douglas H. Goodman, 30 inches from June 30, 1884, 20 inches from April 1, 1885, and 40 inches from April 1, 1887. 37 1022
 James W. Evans, David J. Evans and Sarah Ann Evans Edwards, heirs of Jane Evans, 60 inches from April 1, 1888. 37 1024
 James D. Evans, 15 inches from April 1, 1883, and 60 inches from April 1, 1884. *First Decree*
 Frank Anthony, 140 inches from June 1, 1881, 109 inches from April 1, 1882, 40 inches from June 10, 1883, 100 inches from May 1, 1883, and 35 inches from April 1, 1886. 37 1026
 Orville E. Hartwell, 100 inches from April 1, 1888. *First Decree*
 Mary S. Phippen, 100 inches from May 26, 1883. *First Decree*

37 1030
 37 1031
 37 1032
 37 1033

UNRECORDED

N. R. WOODWORTH ET AL, Plaintiffs, }
vs. } ORDER AMENDING AND CORRECTING DECREE.
FRANK ANTHONY ET AL, Defendants. }

And now, on this November 10, 1903, it being one of the days of the regular November term of this Court, came on to be heard the motion heretofore filed in this cause, by the defendants, W. H. Kilpatrick, S. D. Kilpatrick and Marian D. Kilpatrick, appearing by their attorneys, P. M. Bruner, Sullivan & Sullivan and N. K. Griggs, to amend and correct the judgment and decree heretofore rendered in this cause as now appearing of record in Judgment Book 6 of this County, at pages 257 to 261.

And it appearing, from the records and files in this cause, that there is clerical error and mistake in the record of said judgment and decree as so appearing of record in said Judgment Book at pages aforesaid, which error and mistake should be now corrected and proper record and entry of said judgment and decree entered by this Court, now as of said November 28, 1892.

It is therefore considered and ordered by the Court that judgment and decree be, and the same hereby is, entered anew in said cause, as of November 28, 1892, now for then, as follows:

DECREE.

In the District Court of the Fourth Judicial District of Idaho, in and for the County of Logan.

N. R. Woodworth et al,
vs.
Frank Anthony et al.

This cause came on regularly for trial on the 28th day of November, 1892, V. Bierbower, and H. S. Hampton appearing as counsel for plaintiffs, and P. M. Bruner, N. M. Ruick and E. Aubury appearing for defendants, a trial by jury having been expressly waived by the counsel for the respective parties, the cause is tried before the Court sitting without a jury, whereupon numerous witnesses were examined and documentary evidence introduced on behalf of the several plaintiffs and defendants, and the evidence being closed was submitted to the Court for consideration 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 that the several parties, plaintiff and defendant, herein named, do have judgment respectively for the right to use, for irrigation purposes, the following number of inches of water, measured under a four inch pressure, from said Little Wood River and its tributaries, in the Counties of Logan and Alturas, as a prior right respectively, dating as follows, to-wit:

PLAINTIFFS.

N. R. Woodworth, 100 inches from April 1, 1877. 37 0952
James Otterson, 160 inches from Feby. 22, 1883. 37 0953
John W. Dwyer and John A. Boggs, 70 inches from April 1, 1883. Frost Decree
William H. Otterson, 75 inches from April 1, 1886. 37 0955
Granville Brown, 75 inches from April 1, 1886. 37 0956
James Devaney, 100 inches from April 1, 1890. Frost Decree
E. L. Woodworth, 100 inches from Feby. 22, 1883. Frost Decree (37-0709)
Fred W. Gooding, 60 inches from June 30, 1882, and 100 inches from April 1, 1883. Frost Decree 37 0960
Thomas H. Gooding, 100 inches from April 1, 1885, and 10 inches from April 1, 1887. Frost Decree
Frank R. Gooding, 120 inches from April 1, 1884, 90 inches from April 1, 1888, 35 inches from Jany. 7, 1890, and 40 inches from April 1, 1886. 37 0967
William Mabbitt, 130 inches from June 15, 1885. 37 0963
Jerome B. Kempton, 30 inches from April 1, 1885. 37 0964
37 0965
37 0966

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INTER-DEPARTMENT MEMO — 1

FROM Sharla

DATE 10/22/84

TO Files 37-0344 & 37-0973

SUBJECT Transfer No. 3073

See file 37-0059 for all correspondence regarding the above referenced transfer.

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SIGNATURE