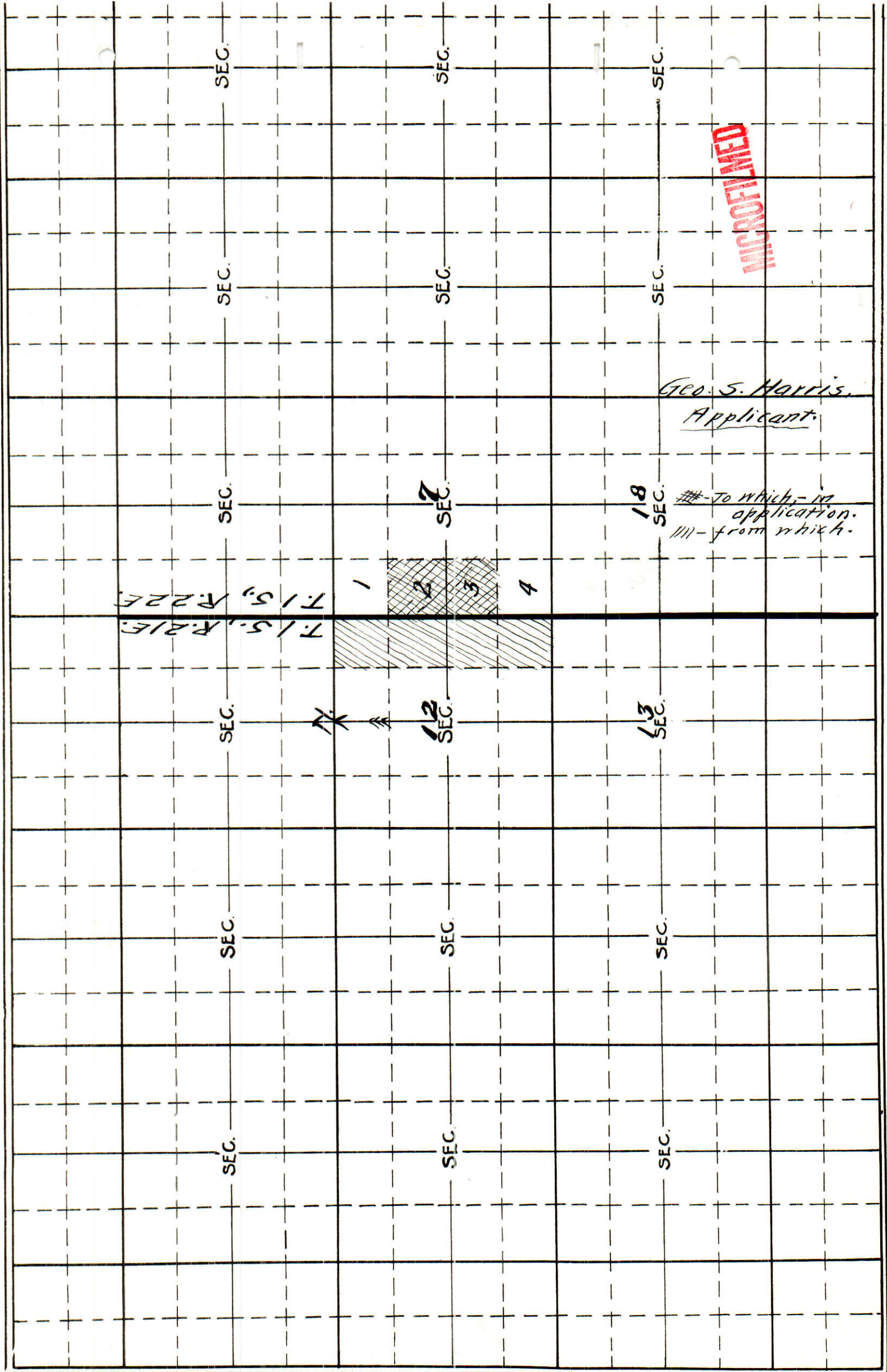




SECTION

18

TOWNSHIP

1 So.

RANGE

22E.

NORTH

WEST

EAST

SOUTH

1
39.36

2
39.37

3
39.38

4
39.39

18

MICROFILMED

Name of Applicant George S Harris,

Application for transfer of water right.

DEPT. OF AGRICULTURE

South 21 EBM

South 22 EBM

Pitch

FISH CREEK

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

12

13

7

18

16

hox
2
4

Name of Applicant George S. Harris,

Application for transfer of water right.

ORIGINAL FILED

1 South 21 EBM

1 South 22 EBM

Pitch

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC. 13

SEC. 17

SEC.

SEC. 16

SEC.

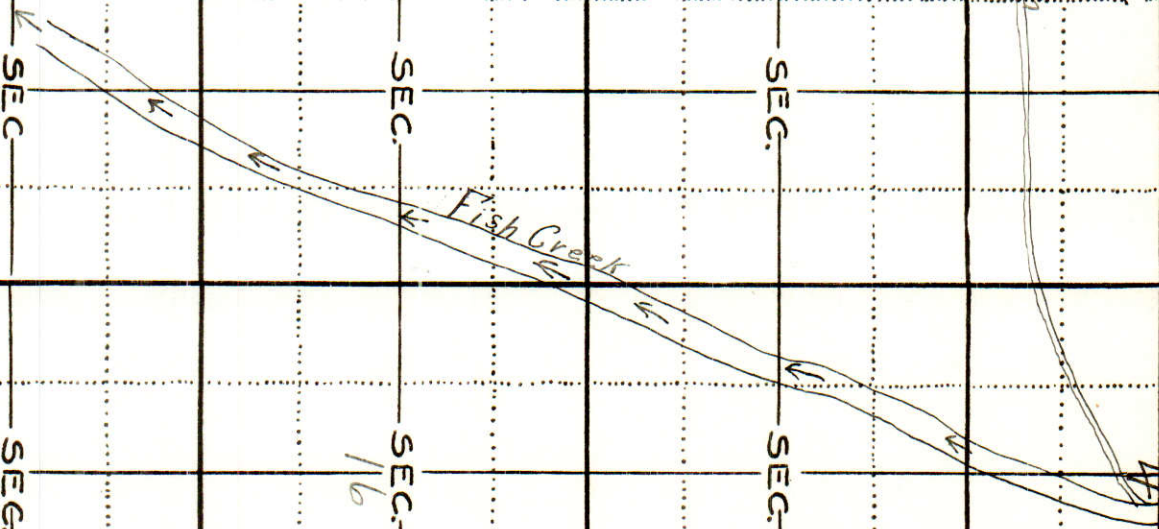
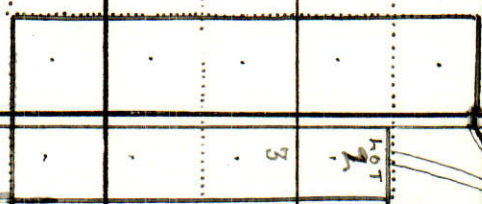
SEC.

SEC. 12

SEC. 7

SEC.

SEC.



TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Phillips, Fred T.	3.2		37-0769
228	Harris, George S. & Cenarrusa, Joe	3.2	0	37-0769A

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STATE OF IDAHO
OFFICE OF THE STATE ENGINEER
CERTIFICATE OF WATER RIGHT
Transferred Right No. 228.

This is to certify that GEO. S. HARRIS and JOE CENARRUSA of Carey, State of Idaho, have a right to the use of the waters of Fish Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, in the case of A. L. Potter, et al, plaintiffs, vs. Joseph H. Patterson, et al, defendants, dated December 19, 1914, by E. A. Walters, Judge, wherein 5.8 second feet of the waters of Fish Creek in Water District No. 25, were dedicated as follows: 3.2 second feet, dated March 30, 1883, to the NE 1/4, and E 1/4 SE 1/4, Sec. 12, Tp. 1 S., R. 21 E., and 2.6 second feet, dated April 30, 1903, to Lots 2, 3, 4, Sec. 7, and Lots 1 and 2, Sec. 18, Tp. 1 S., R. 22 E., B.M.; the said decree being entered at Boise, Idaho, in the records of the State Engineer, in Volume 4 of decrees, page 55; that upon application of the above-named Geo. S. Harris and Joe Cenarrusa for a transfer of water right, made before the State Engineer of the State of Idaho, and after due investigation, said application having been granted by the said State Engineer, the right to use 5.8 second feet of said waters upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such rights and to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for said purposes, and shall not exceed the following amounts:

- (a) 3.2 second feet, dated March 30, 1883.
(b) 2.6 second feet, dated April 30, 1903.

				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
Twp	Rge	Sec.														
(a)	11	21E 12		40		40						40		40		160.0
(a)	13	21E 13		40												40.0
(a)	15	22E 7				39.5	39.4									78.9
(b)	15	22E 7				39.5	29.4-39.4									118.3
(b)	15	22E 18				39.4										39.4

The right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

No right to the use of water on the lands herein named exists at the date of this certificate, except as herein stated.

WITNESS the seal and signature of the State Engineer of the State of Idaho, affixed at Boise, Idaho, this 23d day of November, 1918.

(SEAL)

FRED A. WILKIE,
State Engineer.

Recorded in Water Dist. No. 25: 11-25-18 M.E.B.
Platted on Map, Water Dist. No. 25: 11-25-18 S.T.B.
Point of Diversion: NE 1/4, Sec. 4, T. 1 S., R. 22 E.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE
COUNTY OF BLAINE.

---000---

ADELBERT L. POTTER ET AL,

PLAINTIFFS,

VS.

JOSEPH R. PATTERSON ET AL,

-----DEFENDANTS-----

Transcript Noted

D E C R E E.

The testimony in this case having been taken by Mr. L. H. Weaver, Referee, pursuant to stipulation and cause submitted for decision at the May 1914 term of said Court, held at Hailey, Blaine County, Idaho and the Court having made and filed its findings of fact and conclusions of law, and the Court being fully advised;

It is hereby ordered, adjudged and decreed that the several parties, plaintiffs and defendants herein named, do have judgement respectively for a right to use for irrigation and other purposes the following number of inches of water, each fifty inches thereof to be equivalent to the flow of one cubic foot per second, as prescribed by law, from Fish Creek and its tributaries, in the County of Blaine, State of Idaho, their priorities to date from the times hereinafter named to wit;

Allred, E. A. 11½ inches from March 30, 1883 for the irrigation of the following tract; commencing at a point 45 rods South of the North East corner of the NW¼, of the NE¼, Sec. 13, T. 1 S., R. 21 E., thence West 80 rods; thence South 22½ rods; thence East 80 rods; thence North 22½ rods to the place of beginning, containing 11½ acres, known as Tax Lot No. 765.

MICROFILMED

37-1180

Norton, Lafayette M.

10 inches from May 15, 1908 and 50 inches from

✓ May 23, 1910 for the irrigation of SW $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33, T. 1 N., R. 22 E.,

containing 160 acres.

Potter, Adelbert L.

40 inches from West Fork from April 10, 1908

for the irrigation of N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,

Sec. 10, T. 1 N., R. 22 E., containing

160 acres.

Phillips, John L.

50 inches from April 30, 1904 for the irriga-

tion of SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 1 S.,

R. 21 E., containing 120 acres.

Phillips, Fred T.

130 inches from April 30th, 1903 for the irr-

igation of Lots 2, 3, and 4, Sec. 7, Lots 5

and 6, Sec. 18, T. 1 S., R. 22 E., containing

acres.

Phillips, Fred T.

Trans. ^H 228

160 inches from March 30, 1883 for the irriga-

tion of E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 1 S., R.

21 E., containing 160 acres.

Patterson, Joseph R.

Trans. ^{*} 212

125 inches from March 30, 1883 for the irriga-

tion of N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 13, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13,

(excepting a tract of land commencing at the

South East corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, running

thence North 80 rods; thence West 60 rods,

thence South 80 rods, thence East 60 rods to

place of beginning); also SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13,

(excepting a tract commencing at the North East

December 2nd, 1918.

Re C.T. 228.

Mr. Geo. S. Harris,
Carey, Idaho.

Dear Sir:--

Am enclosing herewith Certificate of
Transfer, with receipt for fee.

Am also returning your abstract of title .

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

CT-R-Abs.

RECEIVED
DEC 10 1918
STATE ENGINEER

FRED A. WILKIE
STATE ENGINEER

State of Idaho
Engineering Department
Boise

cb-8
100

November 26, 1918.

Re Transfer of Water.

Mr. Geo. S. Harris,
Carey, Idaho.

Dear Sir:--

Upon receipt of \$1.00 fee,
certificate for transfer of water right
will be mailed to you.

Very truly yours,

FRED A. WILKIE,

State Engineer.

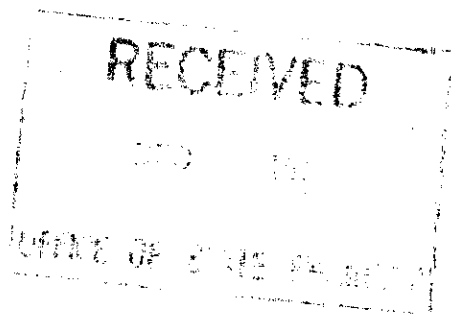
By S. Brown.

MICROFILMED

*Having find check for \$1.00
to cover the above.*

Yours

Geo S Harris



November 26, 1918.

MICROFILMED

Re Transfer of Water.

Mr. Geo. S. Harris,
Carey, Idaho.

Dear Sir:--

Upon receipt of \$1.00 fee,
certificate for transfer of water right
will be mailed to you.

Very truly yours,

FRED A. WILKIN,

State Engineer.

By _____

MICROFILMED

Carry Ida Nov. 18 - 1918
Mr. Fred A. Wilkie, State Engineer.
Bozair, Ida

Dear Sir: -

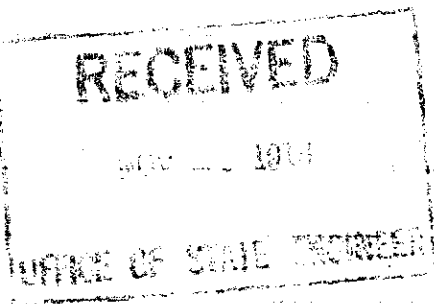
I have yours of the 15th inst.
I thank you for calling my attention to the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 13, T. 8, S. 15 R. 21 East, having
no water, and I desire that you include
this 40 with the others in the
transfer.

I beg to remain

Yours Very Truly

Geo S. Harris

Trans Code 6



November 15, 1918.

RECEIVED
NOV 18 1918
STATE ENGINEER

Re: Transfer Case No. 6.

Mr. Geo. S. Harris,
Carey, Idaho.

Dear Sir:

In making up your certificate of transfer, we find that you are the owner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 13, Township 1 S., Range 21 East, and that according to the papers you have left the said forty without any water being dedicated to it in the transfer, and in order to be sure, I write to ask whether this is your intention. Should you desire to have a portion of your water right rest also upon the above-named forty, kindly let us know and we will include it in the new certificate.

Very truly yours,

State Engineer.

FAW/BB

File: Trans. 6 ✓

OFFICE OF THE STATE ENGINEER

BOISE, IDAHO.

Sept. 11, 1918.

Re: Geo. S. Harris Application for Transfer

District No. 25.

Mr. Fred A. Wilkie,

State Engineer,

Capitol Building.

Dear Sir:

On Tuesday, September 10, 1918, I made an examination of the lands affected in the application for certificate of transfer of water right by Geo. S. Harris, of Carey, Idaho. The lands from which the transfer is asked (E¹/₂ E¹/₂ Sec. 12, T. 1 So., Rg. 21 E) is practically all in crop and under irrigation, with the exception of about 15 acres in NE¹/₄ NE¹/₄ of Sec. 12 - however, this land could be irrigated from the present system. These lands have a water right calling for 160 inches out of Fish Creek, dating from March 30, 1883, and this right has never been turned off, due to shortage of water.

The lands to which the transfer is asked (Lots 2 and 3, Sec. 7, T. 1 So., Rg. 22 E.) are adjacent to the lands above described, and are watered from the same Canal. All but 5 acres of the eighty are under irrigation and cultivation, and this proposed transfer was permitted during the past season by the watermaster. These lands, in connection with Lot 4, Sec. 7 and Lots 5 and 6, Sec. 18, Tp. 1 So. Rg. 22 E., have a water right dating from April 30, 1903, for 130 inches of Fish Creek Waters. However, this being a late right, better results, naturally, would be attained, were the transfer allowed.

The application reads that it is desired to transfer 80 inches of the amount (160 inches) decreed to the lands in Sec. 12 (160 ac.), to the 80 acres in Sec. 7; but the real intention of the applicant is to make the 160 inches appurtenant to all of the lands, so that the entire amount may be rotated, and each forty acre tract may hold a proportional interest of the water right.

Both tracts of lands are owned in co-partnetship by Geo. S. Harris and Joe
Cenarrusa.

No one appeared to protest against the issuance of the certificate.

Respectfully,

S. J. Barr

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JAN 10 1900

SEC. SEC. SEC.

SEC. SEC. SEC.

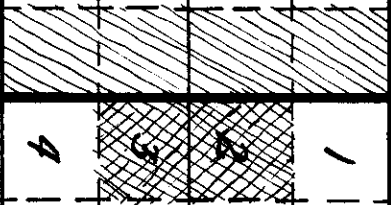
SEC. SEC. SEC.

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SEC. SEC. SEC.

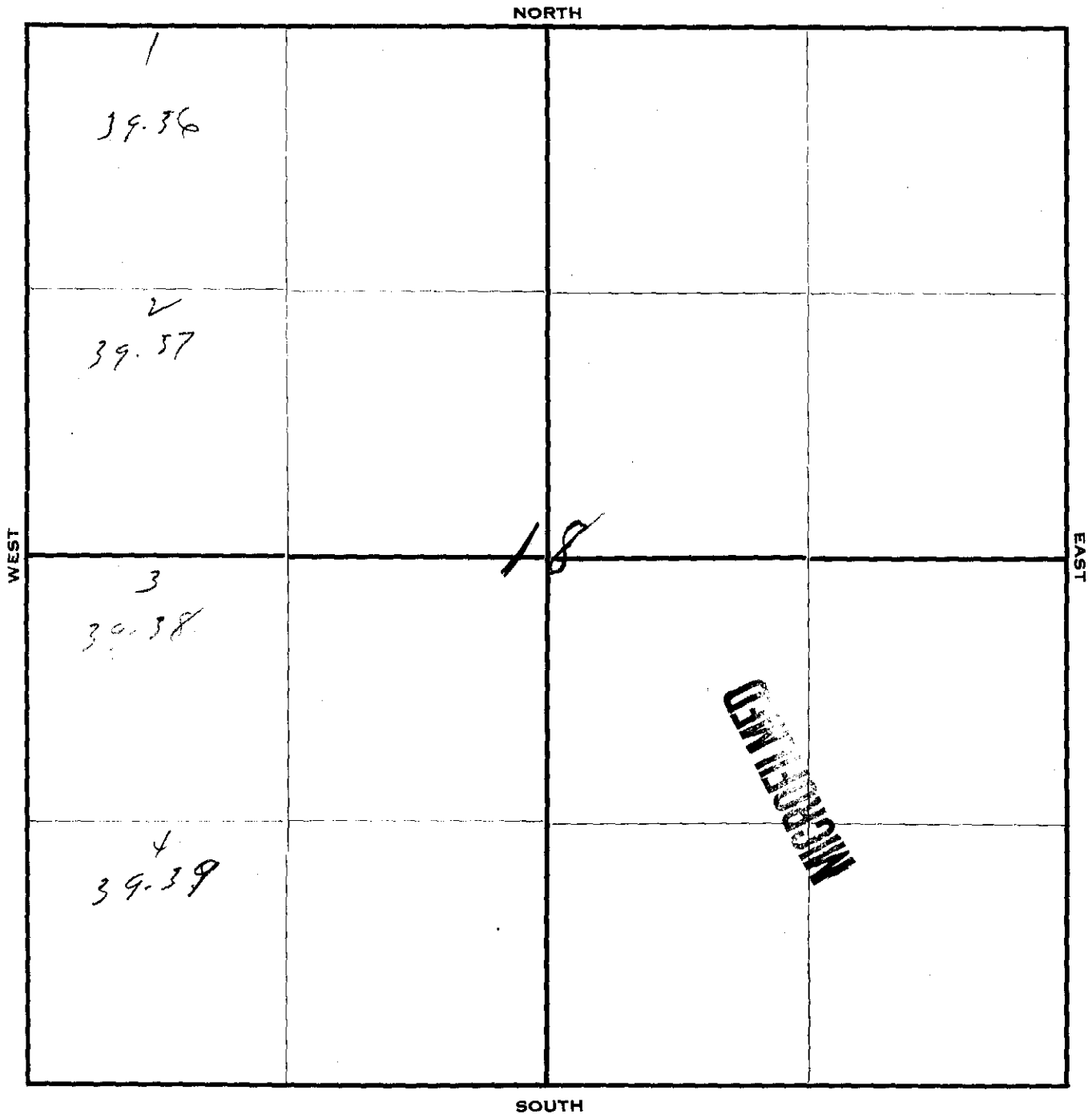
T. 15, R. 21 E.
T. 15, R. 22 E.



1/8 SEC.
to which is application.
/// - from which.
Applicant.
Geo. S. Harris.

NOT RECORDED

SECTION 18 TOWNSHIP 1 S. RANGE 22 E.



September 5, 1918.

RECORDED

Mr. Geo. S. Harris,
Carey, Idaho.

Dear Sir:

Will you kindly meet me Tuesday morning, September 10th at Picabo, Idaho, on the Hailey train from Shoshone, as it is necessary that I make the examination of your land, hold a hearing in case there are protests, and make the afternoon train back to Shoshone.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By

STB/MB

September 10th, 1918.

RECEIVED

George C. Harris,
Carey, Idaho.

Dear Sir:--

September 10th has been set as the date
for the hearing in the matter of your application
for transfer of water right. Notice will be mailed
to the Bellevue News for the required four weeks
publication.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

July 29, 1918.

The News,
Bellevue, Idaho.

Gentlemen:--

Enclosing herewith notice of transfer of water right, which please publish once a week for four consecutive weeks. The expense of the publication will be paid by George C. Harris, of Carey, to whom you should furnish statement of fees prior to September 10th, the date of the hearing.

Very truly yours,

FRED A. WILKIE,

State Engineer.

H

By _____

July 12th, 1918.

Mr. Geo. S. Harris,
Carey,
Idaho.

Re: Transfer Case No. 6

Dear Sir:

~~This is to acknowledge~~ receipt of your
application ~~for transfer of water right~~
which has been ordered advertised and
will proceed as fast as possible under
the rules governing such cases.

I also acknowledge receipt of the ab-
stract which came in several days ago.
I did not at that time know what the pur-
pose of it was.

Very truly yours,

FAW:GOW

State Engineer.

Trans. Case 6

RECEIVED

Transfer-Case #6.

MICROFILMED

Carey, Ida July 8, 1918.
To the State Engineer,
Boise, Ida.

My dear Sir:

Enclosed please find
Set of papers for transfer of
some water from one piece of
land to another. My reason
for asking for this is that -
we have our wheat on the
two lots of land, while the other
land is meadow. Mr. Joseph Fuld
of Hailey mailed you the abstract
of the water rights a few days
since, I have been delayed in
sending these papers, as Mr. Briggs
has been away for one week.
I hope all is satisfactory.

I beg to remain

Yours Respectfully.

Geo. S. Harris

RECEIVED

JUL 12 1918

OFFICE OF STATE ENGINEER

Notice of Proposed Transfer of Water Right

Notice is hereby given that George C. Harris of Carey
Idaho, has applied to the State Engineer of the State of Idaho for a certificate
 authorizing him to transfer the use of eighty inches of the water of
Fish Creek
 from the land upon which it is now used, i. e. E¹/₄NE¹/₄ and E¹/₄SE¹/₄, Sec.12, T. 1 S., R. 22 E., B.M.

to the following described tract: Lots 2 and 3, Sec. 7, T. 1 S., R. 22 E., B.M.

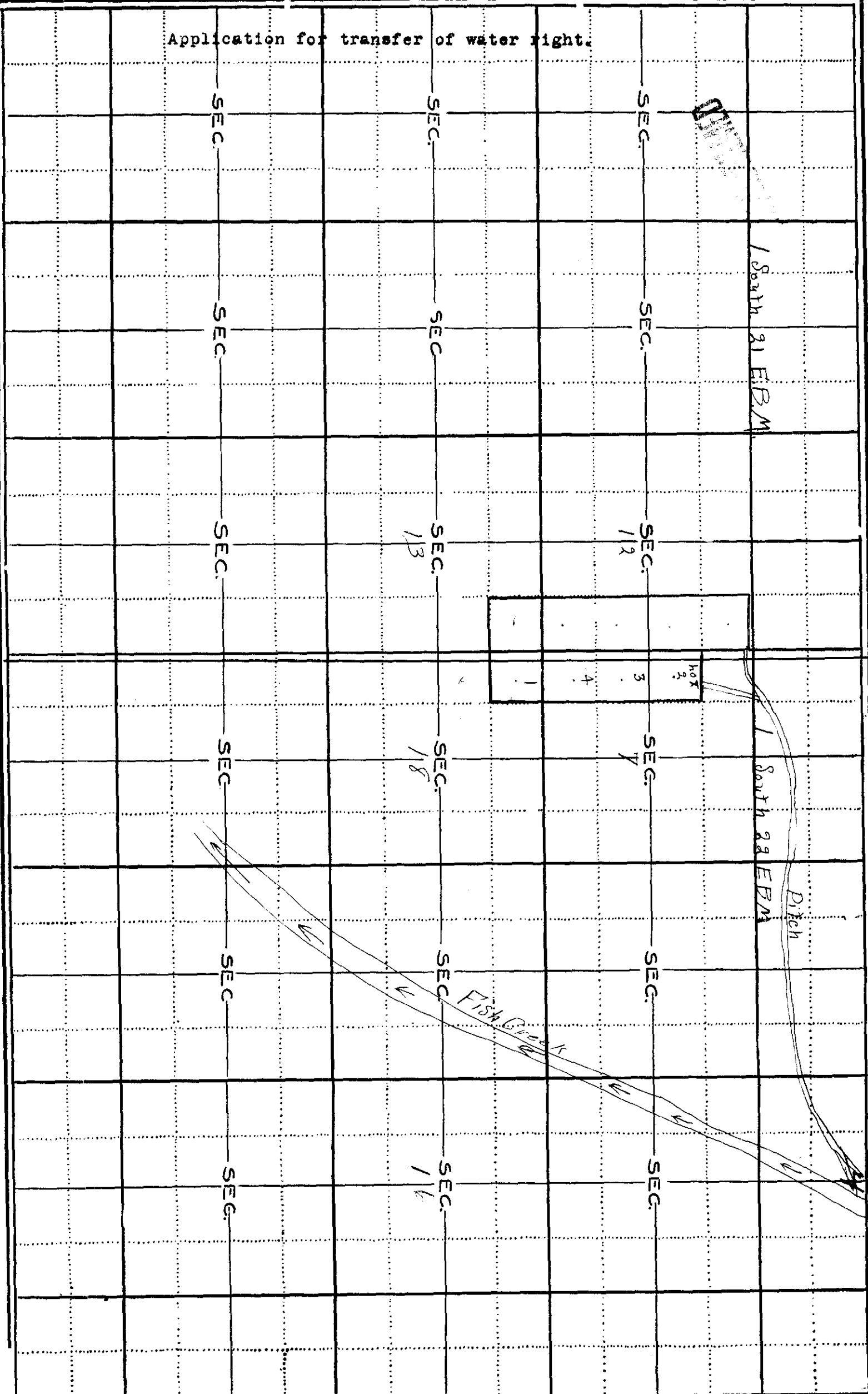
And that, on the 10th day of September, A. D.
 1918, at Carey, Idaho,
State Engineer
 before the ~~Water Commissioner of this Division~~, or his authorized agent, the opportunity will be given
 to any and all persons to appear and present for his consideration any reason or reasons why a certifi-
 cate should not be issued authorizing such transfer.

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

Fred A. Wilkie,
State Engineer.

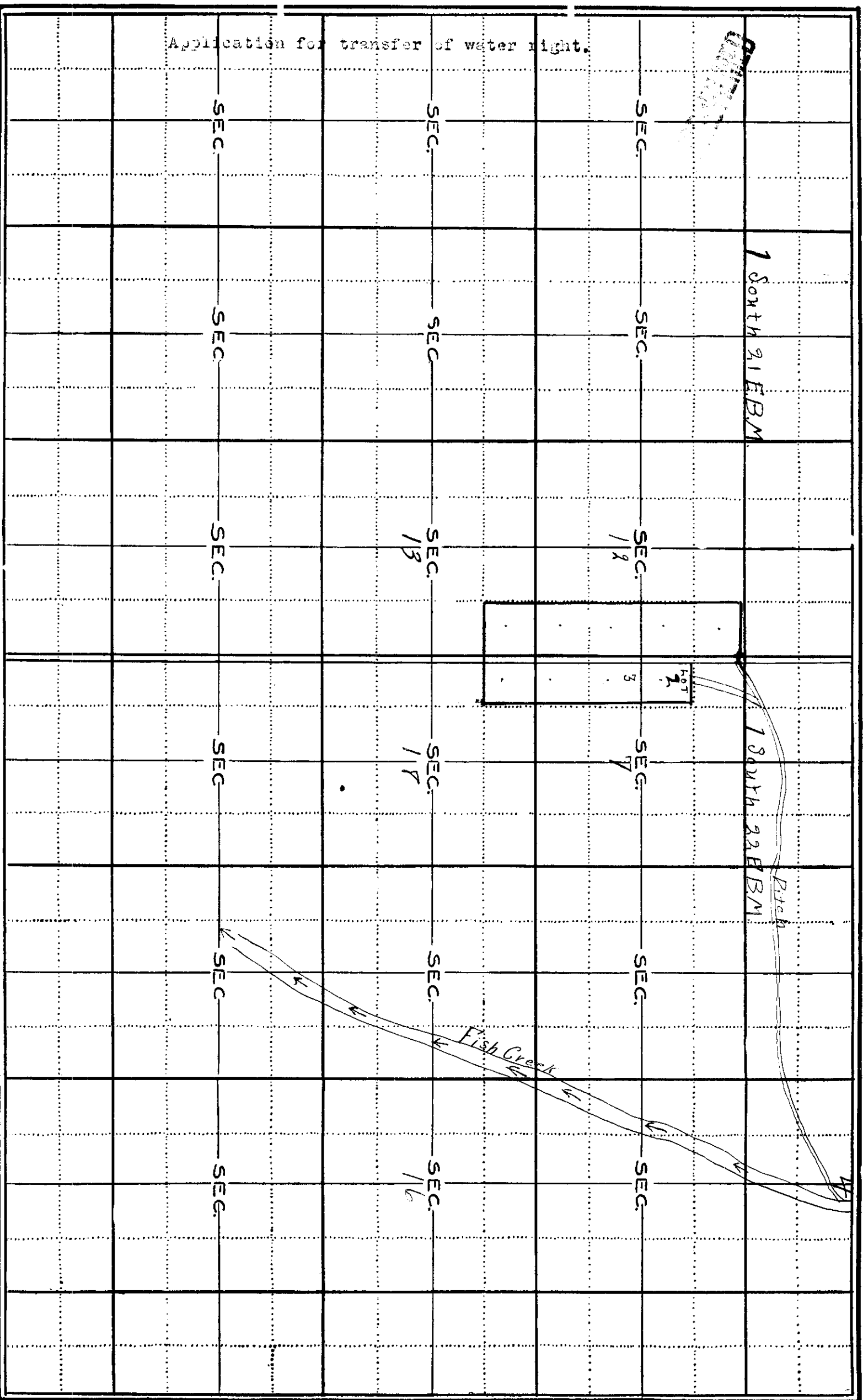
Name of Applicant.....George S Harris.

Application for transfer of water right.



Name of Applicant.....George S. Harris,.....

Application for transfer of water right.



Application for Transfer of Water Right

STATE OF IDAHO,

County of Blaine

ss.

George S. Harris,

, being first duly sworn, deposes and says:

That his name is George S. Harris,; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Carey, Idaho.

and Joe Cenarrusa also of Carey, Idaho are the owners

That he ~~is~~ and using a certain water right, bearing date of priority of Mar. 30, 1883 (160 inches)

for three & 1/5 cubic feet per second of the waters of Fish Creek,

County of Blaine, State of Idaho, decreed to Fred T. Phillips

by decree of Judge Edward A. Walters of the 4th Judicial District of the State of

Idaho in and for the County of Blaine in the case of A. L. Potter et al

vs. Joseph H. Patterson et al said decree bearing date of Dec. 19th 1914

(~~as decreed by the State Engineer of the State of Idaho,~~ issued by the State Engineer of the State of Idaho,

dated , 19), bearing date of priority of , 19 ,

for the purpose of irrigating the following described lands situate, lying and being in Water District No.

in the County of Blaine and State of Idaho, to-wit:

E 1/2 NE 1/4 and E 1/2 SE 1/4 Sec. 12, T 1 S R 22 E.B.M.

and ~~xxxxxx~~

the ~~xxxxxx~~ to ~~xxxxxx~~ has become the owner thereof in the following manner, i. e.

by purchase from Fred T. Phillips and wife by deed dated April 15, 1918

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 near SE corner NE 1/4 NW 1/4 Sec. 4, T 1 S R 22 E.B.M.

and conducted to the above described lands through ditch

as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of eighty inches or 1 3/5 second feet

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 Blaine and State of Idaho, to-wit:

Lots 2 and 3, Sec. 7, T 1 S. R. 22 E.B.M.

[Handwritten signature]

That his reasons for desiring to make such transfer are as follows: that they are owners of both tracts and the water can be used to better advantage.

No change will be made in his diversion main ditch,

merely making new lateral to irrigate the land in Sec. 7.

See map.

That he intends to divert and convey said eighty inches of water to the tract of land last above described in the following manner, to-wit:

Tapping his main ditch near N E cor of lot 1 Sec. 7, and running ditch due South through said lots 2 and 3.

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 Master of Water District No. 25, in accordance with the provisions of Section 3264 of the Revised Codes of Idaho, as amended.

I join in this application.

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

Geo. S. Harris
twenty eighth day of June,

A. D. 1918.

J. J. McGee
Notary Public,
Hailey, Idaho.

By

Applicant will answer the following questions:

From what stream is the water diverted? Fish Creek,

Where is the diversion point located? near SE cor. NE 1/4 NW 1/4 Sec. 4, T. 1 S. R. 22 E. B. M.

Through what ditch is it now conducted? partnership ditch, Peterson, Welch etc.

How much land is now irrigated by the water sought to be transferred? 140 acres.

Give the description: all except the N 20 acres of NE 1/4 NE 1/4 Sec. 12,

high land above ditch

What is the total amount of water in inches, or second feet, dedicated to said land? 160 in.

What kind of crops are being raised? hay

How much water per acre is now required to irrigate said land? an inch per acre,

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

None to speak of, the water will be rotated, on both.

From what stream will the water be diverted if the transfer is made? Fish Creek, same

stream, no change whatever in diversion.

Give location of new point of diversion. See map

Through what ditch will it be conducted after transfer? small private ditch

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

an inch per acre.

Do you claim any other water right for the land from which you seek to abandon the use of this water? no.

Is there now any other water right for the land to which you seek to make this transfer? Yes. 130 in. decreed right, same suit, Fred T. Phillips, then owner, 130 inches from April 30, 1903, for lots 2, 3, 4, Sec. 7 and lots 5 and 6 sec. 18 T 1 S R 22 E B M. but on account of earlier rights this water is usually cut off by water-master in latter part of June or early July.

O.K.

Joe Benarrusa
Co-owner.

Geo. S. Harris
Applicant.

STATE OF IDAHO,

County of Blaine

ss.

A L Welch

and William Briggs

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 Carey, Idaho that he is a user of water from Fish Creek, in Water District No. 25, County of Blaine, State of Idaho; that he has read or heard read the foregoing affidavit and petition of George S Harris, 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.

Subscribed and sworn to before me this

10th

day of

June

July

A. D. 1918

Notary Public at Carey, Idaho

STATE OF IDAHO,

County of Blaine

ss.

I, V P Knight

Watermaster of Fish Creek

Water District No. 25, County of Blaine, State of Idaho, whose postoffice address is Carey, Idaho, have read or heard read the foregoing affidavit and petition of George S. Harris, 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; of ~~the issuance of the certificate of transfer prayed for~~ for the following reasons: Water can be used to better advantage on new land;

the proposed change will affect no one but the owners of the land.

V. P. Knight

Watermaster, Dist. No. 25

Dated at Carey, Idaho, this

1

day of

July

19 18