

Notice of Proposed Transfer of Water
Right.

Notice is hereby given that H. D. Curtis and J. C. Cox of Halley, Idaho, have applied to the State Engineer of the State of Idaho for a certificate authorizing them to transfer the use of 2.8 inches of the water of Big Wood river from the land upon which it is now used, i. e. part of the NW $\frac{1}{4}$ of section 8, township 1 south, range 19 east B. M., and the SE $\frac{1}{4}$ of section 25, township 1 north, range 18 east B. M., to the following described tract: NE $\frac{1}{4}$ of section 25, township 1 north, range 18 east B. M., and S $\frac{1}{2}$ NW $\frac{1}{4}$ section 30, township 1 north, range 19 east B. M.

And that, on the 15th day of November, A. D. 1910, at Halley, Idaho, before the Water Commissioner of this division, or his authorized agent, Leon Fuld, 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.

Full details of the proposed transfer may be obtained from John Lufkin, watermaster of said stream.

D. G. MARTIN,
State Engineer.

D. Doolittle
S. Shaw, being first duly sworn, says that he is publisher of the BELLEVUE NEWS, a weekly newspaper, published every Friday in Bellevue, Blaine County, Idaho; that the annexed advertisement was published once a week for successive weeks in said newspaper; that the date of the first publication of said advertisement was on the

14th day of October 1900

and the date of the last publication was on the 11th day of November 1900

H. D. Doolittle
Subscribed and sworn to before me this 15th day of November A. D. 1900

Lillian Allred

NOTARY PUBLIC

My commission expires Dec. 27, 1913

RECEIVED

NOV 17 1910

OFFICE OF STATE ENGINEER

Application to transfer water from Big Wood

River. H. D. Curtis and J. C. Fox.

T. 1 N. R. 18 E. B.M.

Glen
Bridge

Legend.

a-Point of diversion.

b-ditch No. 53.

c-Land to which water is to be
transferred.

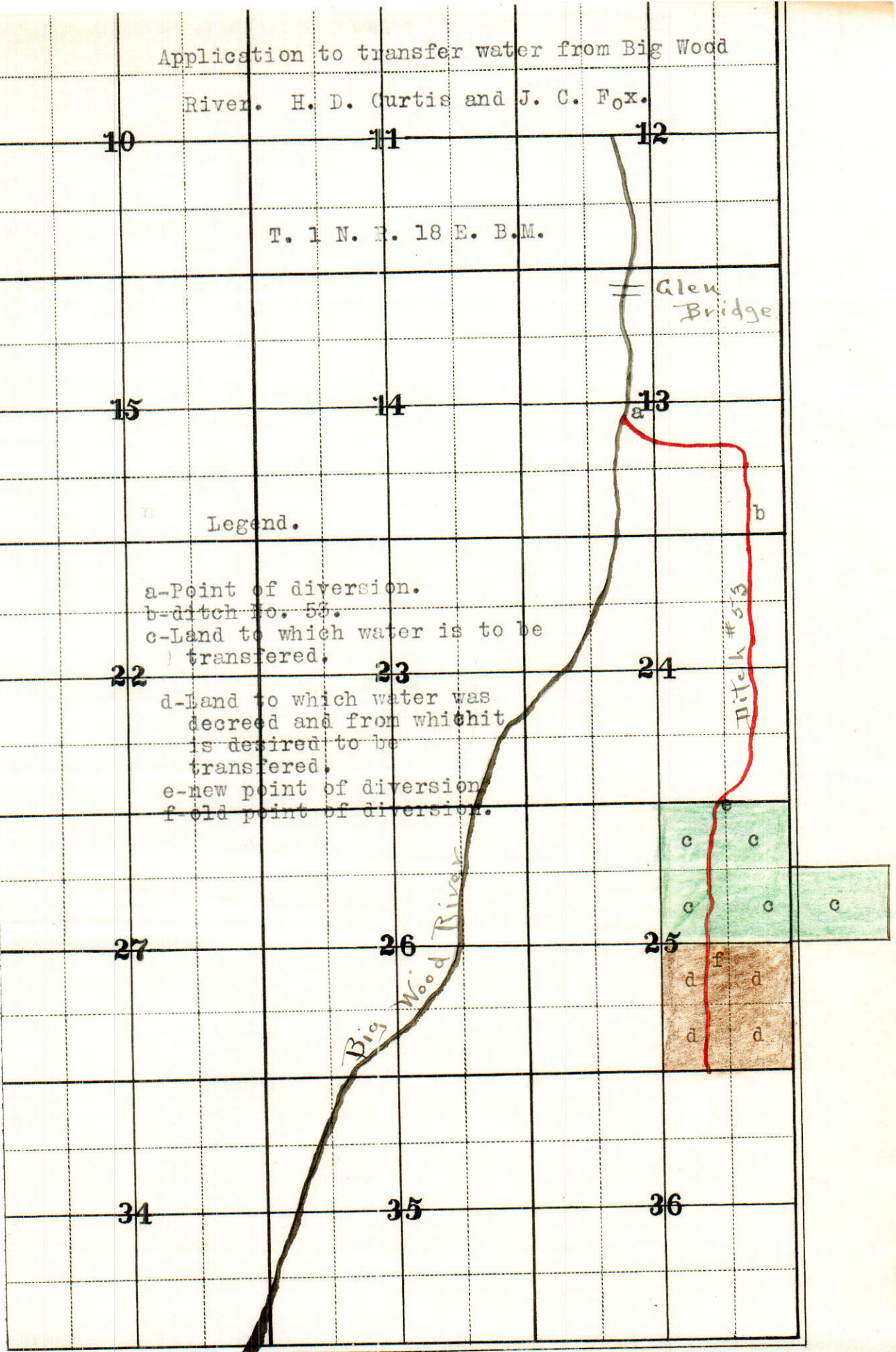
d-Land to which water was
decreed and from which it
is desired to be
transferred.

e-new point of diversion.

f-old point of diversion.

Big Wood River

Ditch #53



TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Melick, John	0.44		37-0475
64	Curtis, H. D. & Fox, J. C.	0.44	0	37-0475A

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MICROFILMED

File 37-6

37-475 (22")
37-476 (193")
37-477 (43")

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

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

CERTIFICATE No. 64, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted H. D. CURTIS & J. C. FOX, of Hailey, Blaine County, State of Idaho, to transfer the use of Two Hundred fifty-eight (258) inches of the waters of BIG WOOD river from the lands upon which it is now used, i.e., part of the Northwest quarter (NW4) of Section Eight (8), Township one (1) South, Range Nineteen (19) East of Boise Meridian, and the Southeast quarter (SE4) of Section Twenty-five (25), Township One (1) North, Range Eighteen (18) East of Boise Meridian, to the following described tract, to-wit; Northeast quarter (NE4) of Section Twenty-five (25), Township One (1) North, Range Eighteen (18) East of Boise Meridian, and the South half of Northwest quarter (S2 NW4) Section Thirty (30), Township One (1) North, Range Nineteen (19) East of Boise Meridian, said water to be carried through the same ditch as heretofore but diverted from said ditch about one-half mile above the old point of diversion.

The water right appurtenant to the above described land was adjudged by decree, dated December 13, 1909, of Alfred Budge, Judge of the Fourth Judicial District of the State of Idaho, in and for Blaine county, in the matter of S. C. Frost, et al, plaintiffs vs. Alturas Water Company, et al, defendants, in the following words:

"It is ordered, adjudged and decreed:

To John Melick 22 inches Big Wood River April 17, 1883.

To John Melick 193 inches Big Wood River June 20, 1884.

To John Melick 43 inches Big Wood River June 2, 1890.

Transferred to W. T. Riley 258 inches May 5, 1910. W. T. Riley transferred to H. D. Curtis and J. C. Fox, 258 inches September 6, 1910.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twenty-eighth day of December, 1910.

D. G. Martin

State Engineer

(SEAL)

RECORDED

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

S. C. Frost, et al.,

Plaintiffs,

vs.

Alturas Water Company, et al.,

Defendants.

RECEIVED

JAN 31 1910

OFFICE OF STATE ENGINEER

DECREE.

This cause coming on to be heard this 6th day of October, 1909, upon the Report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen having filed his Report of the testimony taken, and his recommendations as to Findings of Fact, Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the court being fully informed and advised in the premises, and having ordered, that judgment be entered in accordance with the Report and recommendations of the said Referee, Wherefore, by reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for a

MICROFILMED

✓ McCoy, George W.	240 inches.	May 1, 1883.	Trail Creek.
✓ McCoy, James F.	All of	June 1, 1883.	Clear Creek Spring.
✓ " " "	60 inches.	June 1, 1900.	Big Wood River.
McFall, Matt.	200 "	June 3, 1884.	Little Wood River.
" "	70 "	July 17, 1884.	" " "
" "			(Also shares in Big Cottonwood Canal Co.)
McChee, Barkley J.	120 "	June 1, 1886.	Chimney Creek.
McLeod, George A.	125 "	June 1, 1885.	Corral Creek.
McLochlin, James	100 "	June 1, 1886.	Silver Creek.
McLochlin, Walter B.	125 "	Apr. 1, 1888.	" "
✓ McMonagle, Andrew	680 "	Apr. 1, 1880.	Deer Creek.
✓ McMonagle, Patrick	340 "	Apr. 1, 1880.	" "
✓ McNary, T. T.	25 "	Apr. 17, 1883.	Big Wood River.
✓ " " "	225 "	June 20, 1884.	" " "
✓ " " "	50 "	June 2, 1890.	" " "
McNulty, Dennis	100 "	Apr. 30, 1884.	Little Wood River.
McNulty, Edward	60 "	Apr. 1, 1884.	" " "
Mehle, Herman	75 "	June 1, 1883.	Elk Creek.
" "	80 "	June 1, 1893.	Elk Creek and Minnehaha Creek.
✓ Melick, John	22 "	Apr. 17, 1883.	Big Wood River.
✓ " "	195 "	June 20, 1884.	" " "
✓ " "	43 "	June 2, 1890.	" " "
✓ Meller, J. W.	120 "	June 10, 1887.	" " "
✓ " " "	140 "	June 10, 1887.	" " "
✓ Miller, Annie I.	1000 "	June 15, 1891.	" " "
✓ Miller, Annie I., John Q. Packard, Jane E. Turner, William M. Wayman and Olive Wayman.	1000 "	Aug. 1, 1882.	" " "
✓ Do.	1000 "	Aug. 1, 1884.	" " "
Do.	5000 "	Aug. 1, 1902.	" " "

Revised to July 1, 1883

22 in. from Apr 17, 1883

193 " " June 20, 1884

43 " " June 2, 1890

Trans. to W. J. Kelly

258 in. May 5, 1910

W. J. Kelly Trans.

258 in. H. P. Currier

P. G. E.

Left, 1910

MICROFILMED

December 28, 1910

Re transfer of water right
H.D.Fox, et al

J. G. Hedrick, Lawyer
Hailey, Idaho

Sir:-

- I am inclosing you herewith certificate of transfer
No. 64, favor of H. D. Curtis and J. C. Fox, Also receipt
for fee of \$1.00.

Very truly yours,

State Engineer.

R3125

By...

RECEIVED
DEC 29 1910
STATE ENGINEER

September 30, 1910.

Re transfer of water right
H.D. Curtis, et al

J. G. Hedrick, Lawyer
Hailey, Idaho.

Sir:-

Replying to yours of the 28th inst. relative to above transfer would say that the papers were mailed to Mr. McMillan, water commissioner of 2nd Division, on September 27th. He will, no doubt, communicate with you in regard to the date set for hearing. Mr. McMillan's address is Twin Falls.

Very truly yours,

State Engineer.

By...

RECEIVED
SEP 30 1910



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Blaine. } s3.

A. O. Doolittle
Clyde S. Shate, being first duly sworn, says that he is publisher of the BELLEVUE NEWS, a weekly newspaper, published every Friday in Bellevue, Blaine County, Idaho; that the annexed advertisement was published once a week for 5 successive weeks in said newspaper; that the date of the first publication of said advertisement was on the

14th day of October 1908
and the date of the last publication was on the 11th day of November 1908

A. O. Doolittle
Subscribed and sworn to before me this 15th day
of November A. D. 1908

Lillian Albred

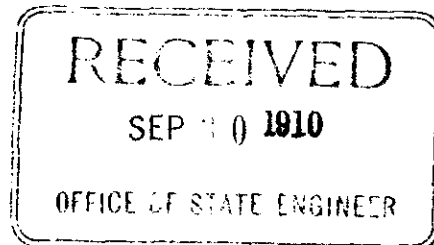
NOV 17 1910

OFFICE OF
JOSEPH G. HEDRICK
ATTORNEY AT LAW
HAILEY, IDAHO

Sept. 28, 1910.

State Engineer,
Boise, Idaho.

Sir:-



Some time ago I forwarded you an application for the transfer of a water right for H. D. Curtis and J.C. Fox of Hailey, but have not heard anything from it up to the present time. Will appreciate the kindness if you will advise me of the status of this application and expedite it as much as possible.

Respectfully,

RECEIVED
SEP 30 1910
OFFICE OF STATE ENGINEER

September 27, 1910.

Re transfer of water right
H.D.Curtis & J.C.Fox

Mr. Jas. McMillan,
Water Com. 2nd Div.,
Twin Falls, Idaho.

Sir:-

I am inclosing you herewith application for transfer of water right of above name parties, together with maps and abstract of title. As there is not now time for the thirty day publication before October 15, the date set in the notice for the hearing, you can set the date ahead to suit your convenience and notify the applicants of such change. J. G. Hedrick, of Hailey, is attorney for the applicants and sent the papers in.

Very truly yours,

State Engineer.

Ap Tr. M-Ab.

By...

RECORDED
INDEXED
SEP 28 1910
FBI

OFFICE OF
JOSEPH G. HEDRICK
ATTORNEY AT LAW
HAILEY, IDAHO

Sept. 8, 1910.

State Engineer,

Boise, Idaho.

Sir:-

Please find inclosed application of H. L. Curtis
and J. C. Fox to transfer certain water rights duly
executed. If there is anything additional to be
furnished in connection with the same please advise
me.

Respectfully,

Joseph G. Hedrick

RECEIVED
SEP 12 1910
STATE ENGINEER
BOISE, IDAHO

Application for Transfer of Water Right.

State of Idaho,

County of Blaine.

} ss.

H. D. Curtis and J. C. Fox

, being first duly sworn, depose and say:

That ^{their names are} ~~his name is~~ H. D. Curtis and J. C. Fox^{they are} ~~he is~~ of lawful age, citizensof the United States and of the State of Idaho, and that ^{their} ~~his~~ postoffice address is

Hailey, Blaine County, Idaho.

That ^{they are} ~~he is~~ the owner and using a certain water right of

258 inches

waters of Big Wood River

County of Blaine

, State of Idaho, decreed to John Melick

by decree of Judge Alfred Budge

Fourth

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

Blaine

, in the case of S. C. Frost et al

vs. Alturas Water Company, et al

, said decree bearing date of December 13,

1909

(or obtained by virtue of License No

, issued by the State Engineer

of the State of Idaho, dated

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

State of Idaho, to wit: Part of the NW¹ Section 8, T. 1 N. R. 18 E. B.M.,and the SE¹ of Section 25, T. 1 N. R. 18 E. B.M., containing 300 acres more or less.and is the person (~~or the representative of the cor-~~poration) to whom such right so issued, or ^{has} ~~has~~ become the owner thereof in the following manner, i. e.

by purchase from W. T. Riley

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 about $\frac{1}{2}$ mile south of the Glen bridge, or in the NE¹SW¹ Sec. 13, T. 1 N. R. 18 E. B.M.

and conducted to the above described lands through ditch No. 53

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

That affiant^s and petitioners desire to abandon the use of all

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: NE¹ Section 25, T. 1 N. R. 18 E. B.M., and the S¹SW¹ Section 30,

T. 1 N. R. 19 E. B.M.

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

purchasers of the said land last described above and the said water

right decreed to the said John Melick and desire to use the water

on the said land for the purpose of irrigation.

That ^{they} ~~he~~ intend to divert and convey said 258 inches of water to the tract of land last above described in the following manner, to wit: Said water is to be conveyed thru the same ditch as heretofore, and diverted from the same at a point about $\frac{1}{2}$ mile above the old point of diversion, as indicated by the map attached and made a part hereof.

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant~~s~~ and Petitioner~~s~~ prays that the State Engineer of the State of Idaho issue to ^{them} ~~him~~ the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of this 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.

[Signature]

Subscribed and sworn to before me this 29th day of August

A. D. 19010.

[Signature]
Notary Public.

State of Idaho,
County of Blaine } ss.

J. L. Hazelton and Walter L. Booth

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 Bellevue, Idaho, that he is a user of water from Big Wood River, County of Blaine, State of Idaho; that he has read or heard read the foregoing affidavit and petition of J. C. Fox and H. D. Curtis, 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.

[Signature]
[Signature]

Subscribed and sworn to before me this 30th day of August

A. D. 19010

[Signature]
Notary Public.

Application to transfer water from Big Wood
River. H. D. Curtis and J. C. Fox.

10

11

12

T. 1 N. R. 18 E. B.M.

Glen
Bridge

15

14

13

Legend.

a-Point of diversion.

b-ditch No. 53.

c-Land to which water is to be
transferred.

22

23

24

d-Land to which water was
decreed and from which it
is desired to be
transferred.

e-new point of diversion.

f-old point of diversion.

27

26

25

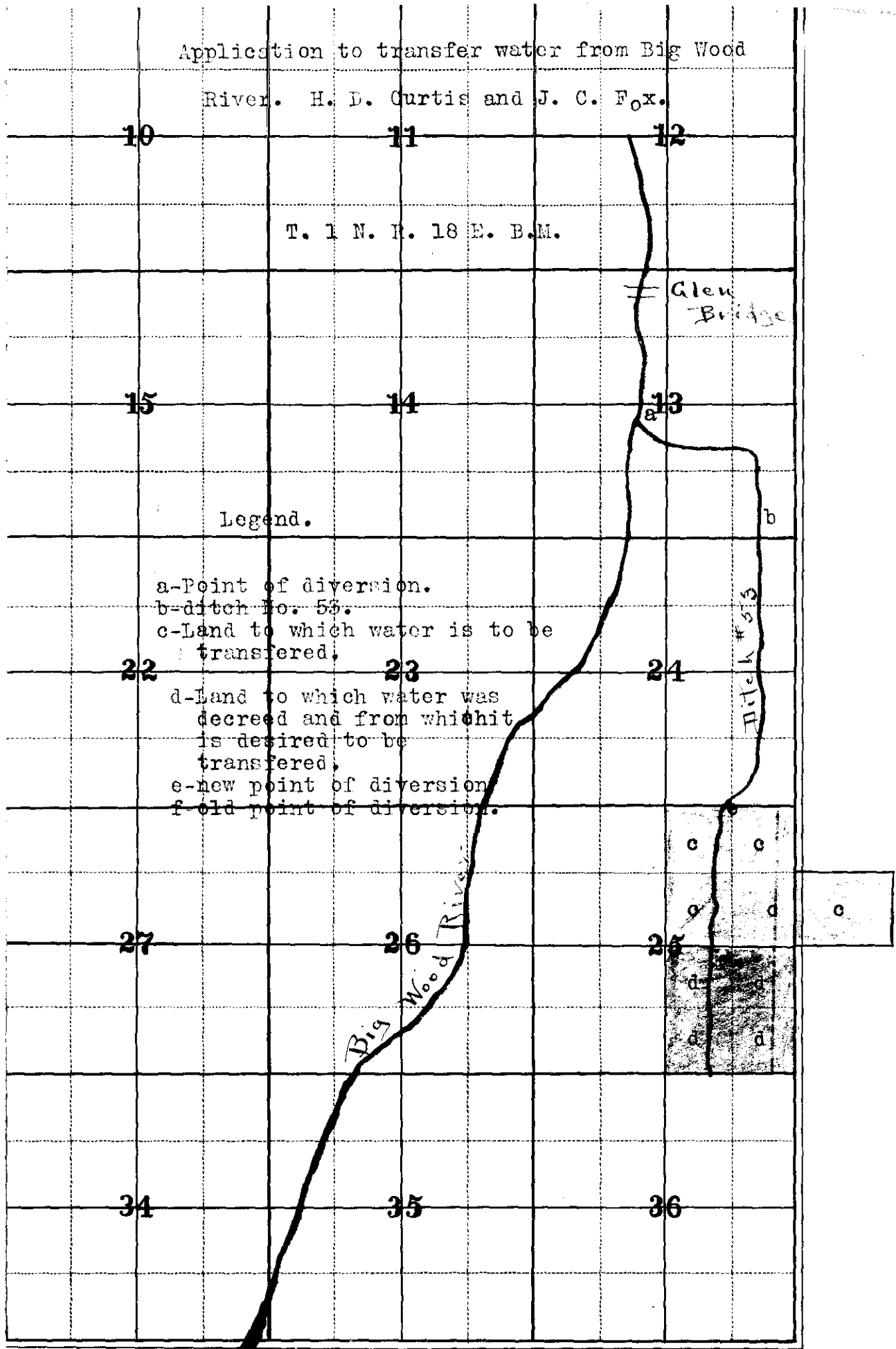
Big Wood River

Ditch #53

34

35

36



State of Idaho, }
County of Blaine } ss.

I, John Lufkin, Watermaster of Hailey, County of Blaine, State of Idaho, whose postoffice address is Hailey, Idaho, have read or heard read the foregoing affidavit and petition of J. C. Fox and H. D. Curtis, 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: Petitioners are the legal bona fide purchasers of the said water and owners of the land upon which the water is to be used.


Watermaster.

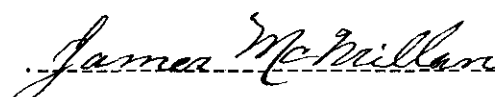
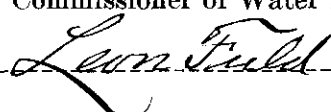
Hailey, Idaho.
November 15, 1910.

Notice having been duly published for thirty days of the intention of the above named J. C. Fox and H. D. Curtis to apply to the State Engineer of the State of Idaho for a certificate authorizing the transfer of water as set forth in his 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 Hailey, Idaho, on November 15, 1910, according to the terms of said notice;

And it not appearing at said hearing that any one 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 applicant, authorizing the transfer as prayed for in his petition; ~~or (and it appearing at said hearing that the following 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. 2
By 

No.....

APPLICATION FOR TRANSFER
OF WATER RIGHT.

From

To

Stream

County

Applicant.

Received

Approved

Certificate No..... issued.....

and recorded in

Book..... of Transfers, at page.....