

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 Find-
ings 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 recommenda-
tions 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, plain-
tiffs and defendants herein named, do have judgment respectively for a

Lakes, Harold and Arthur, Jr.	200 inches.	126	Nov. 26, 1886.	Big Wood River.
Lane, Jennie	160	"	189 Oct. 28, 1891.	Little Wood River.
Lawrence, Frank N.	60	"	257 June 1, 1898.	Soldier Creek. ✓
Lawson, Martin	15	"	✓ Aug. 1, 1880.	Little Wood River.
" "	80	"	✓ Apr. 1, 1881.	" " "
Lawson, M. S.	100	"	117 May 31, 1886.	Silver Creek. Trans. # 10-3
" " "	50	"	144 Oct. 25, 1892.	" " Trans. # 10-3
Lemman, E. B.	160	"	370 Apr. 1, 1907.	Three Mile Creek or Trans #599 Four Mile Creek.
Leonard, William	12-1/2	"	44 May 9, 1883.	Deer Creek.
" "	70	"	44 May 15, 1883.	" "
" "	150	"	64 July 5, 1884.	" " 85
" "	100	"	404 June 15, 1885.	" " }
" "	100	"	207 July 1, 1893.	" " }
Lewis, Horace C.	1250	"	✓ Apr. 25, 1881.	Trail Creek.
✓ " " "	325	"	✓ Oct. 5, 1883.	" "
✓ " " "	200	"	✓ Oct. 5, 1883.	" "
Trans # 108 ✓ " " "	200	"	147 June 23, 1888.	Warm Springs Creek. —
✓ " " " Trans # 20	100	"	162 Aug. 2, 1889.	" " "
✓ Little, John H.	160	"	177 Oct. 31, 1889.	Big Wood River.
Little Wood River Canal Company	1600	"	200 Apr. 15, 1893.	Little Wood River. } 30
Do.	8400	"	247 Sept. 2, 1899.	" " "
Little Wood River Swine Raising Co.	15	"	44 Apr. 1, 1883.	" " "
Do.	110	"	64 Apr. 1, 1884.	" " "
Do.	110	"	227 Apr. 1, 1887.	" " " #719-
37 0426 Lloyd, Bruce	125	"	129 Apr. 1, 1887.	Silver Creek. #900
37 0427 Logan, James	150	"	206 Dec. 18, 1903.	Big Wood River.
37 0428 Loving, Henry	40	"	24 June 1, 1889.	Butte Creek.
37 0429 Loving, John T.	160	"	177 Oct. 31, 1889.	Big Wood River.
37 0430 Lumb, John	160	"	272 June 1, 1902.	" " "

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Leonard, Wm.	1.4		37-0411
835	Commons, E. G.	1.4	0	37-0411A

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 835.

THIS IS TO CERTIFY, That E. G. Commons of Twin Falls, Idaho, is the owner of and using the following water rights in Deer Creek:

12½ inches with priority of May 9, 1883
70 inches with priority of May 15, 1883
150 inches with priority of July 5, 1884
100 inches with priority of June 15, 1885
100 inches with priority of July 1, 1893

said water being decreed to William Leonard by Judge Alfred Budge in the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Lincoln, in the case of

S. C. Frost, et al.
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Alturas Water Company, et al.
Defendants.

said decree bearing date of December 13, 1909, and being appurtenant to the following described lands, to-wit:

SE¼, E¼SW¼, Lots 3 and 4; E¼N¼, Lots 1 and 2, S¼NE¼ Section 30
S¼NW¼ Section 29
All in Township 1 North, Range 15 East B.M.

Also the following water rights in Little Deer Creek:

25 inches with priority of June 18, 1883
75 inches with priority of June 1, 1885

said water being decreed to Elam Pearson in the same decree, and being appurtenant to the following described lands, to-wit:

Lots 3 and 4, E¼SW¼ Section 31
Township 1 North, Range 15 East B.M.

Also the following water rights in Little Deer Creek:

12½ inches with priority of May 9, 1883
150 inches with priority of July 5, 1884

said water being decreed to William H. Peck in the same decree and being appurtenant to the following described lands, to-wit:

N¼SE¼, NE¼NW¼, Lot 1 Section 31
Township 1 North, Range 15 East B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, beginning at page 807.

That E. G. Commons has become the owner of said described lands through mesne conveyances.

And that now, upon the application of E. G. Commons of Twin Falls, Idaho, for the transfer of 13.9 cubic feet per second of the waters of Deer Creek and Little Deer Creek made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 13.9 cubic feet per second of the waters of Deer Creek and Little Deer Creek upon the above described land is hereby abandoned, and the land to which the water rights hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

S $\frac{1}{2}$ Section 25
Township 1 North, Range 14 East B.M.

NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ Section 30
S $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29
SE $\frac{1}{4}$ and N $\frac{1}{2}$ Section 31
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32
Township 1 North, Range 15 East B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

12 $\frac{1}{2}$ inches from Deer Creek with priority of May 9, 1883
70 inches from " " " " " " May 15, 1883
150 inches from " " " " " " July 5, 1884
100 inches from " " " " " " June 15, 1885
100 inches from " " " " " " July 1, 1893

25 inches from Little Deer Creek with priority of June 18, 1883
75 inches " " " " " " " June 1, 1885
12 $\frac{1}{2}$ inches " " " " " " " May 9, 1883
150 inches " " " " " " " July 5, 1884

That the water rights hereby transferred have heretofore been conducted to the first above described lands with points of diversion in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19, Township 1 North, Range 15 East B.M.

That the water rights hereby transferred will hereafter be conducted to the last above described lands with no change in points of diversion.

That the right of use of said water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 8th day of October, 1954.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

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OCT 10 1954

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
E. G. Commons)
Twin Falls, Idaho)
For a Transfer of Water Right in Water)
District No. 6, Camas County, Idaho)

ORDER GRANTING TRANSFER
NO. 835

WHEREAS, On the 27th day of August, 1954, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of E. G. Commons of Twin Falls, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

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

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 8th day of October, 1954.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

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Lawson, Martin	15 "	Aug. 1, 1880.	Little Wood River.
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Lawson, M. S.	100 "	May 31, 1886.	Silver Creek.
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✓ Lewis, Horace C.	1250 "	Apr. 25, 1881.	Trail Creek.
✓ " "	325 "	Oct. 5, 1883.	" "
✓ " "	200 "	Oct. 5, 1883.	" "
			(For pipe-line.)
✓ " "	200 "	June 23, 1888.	Warm Springs Creek.
✓ " "	100 "	Aug. 2, 1889.	" " "
✓ Little, John H.	160 "	Oct. 31, 1889.	Big Wood River.
Little Wood River Canal Company	1600 "	Apr. 15, 1893.	Little Wood River.
✓ Do.	8400 "	Sept. 2, 1899.	" " "
Little Wood River Swine Raising Co.	15 "	Apr. 1, 1883.	" " "
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