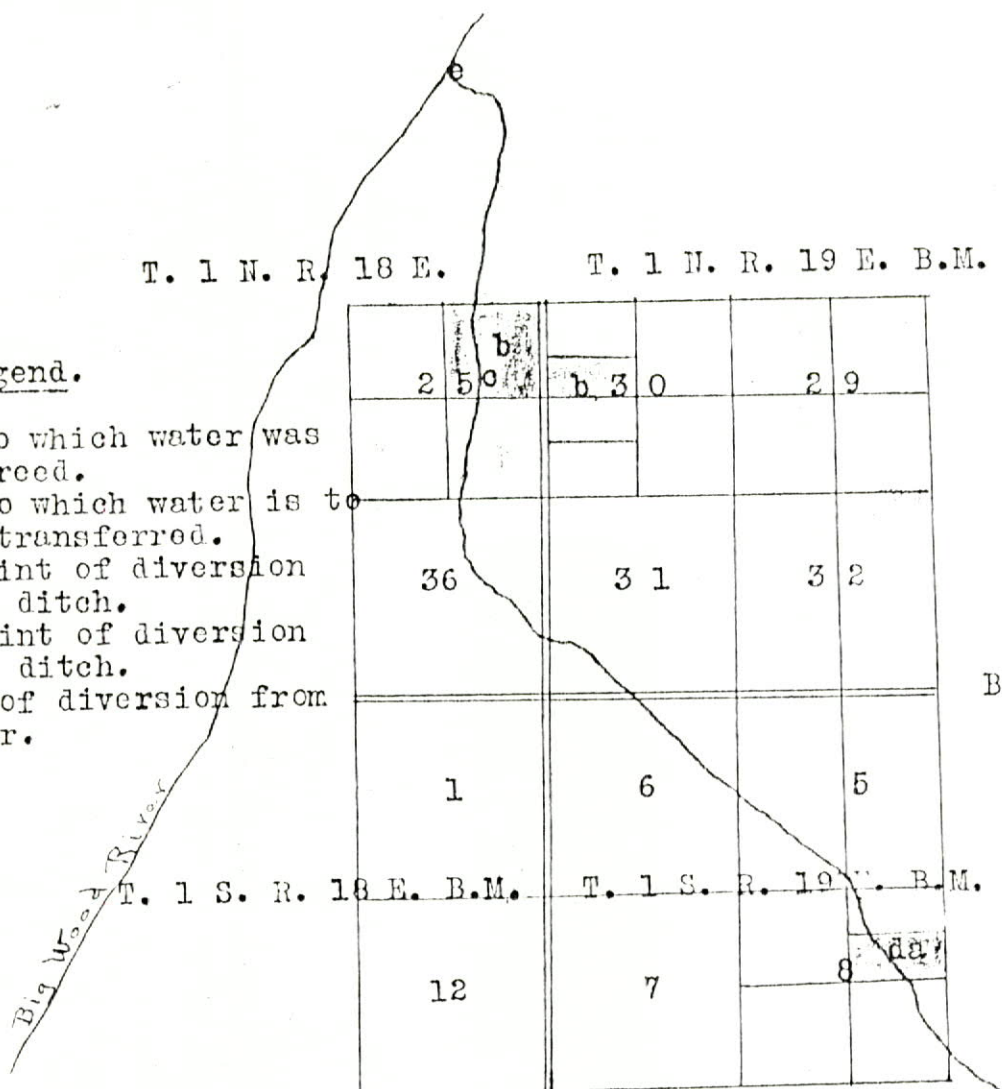


Legend.

- a-land to which water was decreed.
- b-land to which water is to be transferred.
- c-new point of diversion from ditch.
- d-old point of diversion from ditch.
- e-point of diversion from river.



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OCT - 7 1911
STATE OF IDAHO
DEPT. OF AGRICULTURE
BOISE

87

37-0111

37-0112

37-0116 ✓

37D

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

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

CERTIFICATE NO. 87, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted H. D. Curtis and J. C. Fox, of Hailey, County of Blaine, State of Idaho, to transfer the use of forty two (42) inches of the waters of Big Wood River, in Blaine County, Idaho, from the lands for which it was originally decreed, i. e., the South half of Northeast quarter (S2 NE4) Section 8, Township 1 South, Range 19 East of Boise Meridian, to the following described tract, to-wit: Northeast quarter (NE4) of Section 25, Township 1 North, Range 18 East of Boise Meridian, and the South half of Northwest quarter (S2 NW4) of Section 30, Township 1 North, Range 19 East of Boise Meridian.

the water right appurtenant to the above described lands was adjudged by decree, December 13, 1909, of Alfred Bridge, 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.

and the South half of Northwest quarter (S2 NW4) of Section 30, Township 1 North, Range 19 East of Boise Meridian.

The water right appurtenant to the above described lands was adjudged by decree, dated December 15, 1909, of Alfred Bridge, Judge of the Fourth Judicial District of the State of Idaho, in and for Elaine county, in the matter of S. C. Frost, et al, plaintiffs, vs. Alturas Water Company, et al, defendants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this seventh day of November, 1911.

A. E. Robinson,

State Engineer

(SEAL)

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Application for Transfer of Water Right.

State of Idaho,

County of Blaine

ss.

H. D. Curtis and J. C. Fox

, being first duly sworn, deposes and says:

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

Hailey, Idaho,

That ^{they are} ~~he is~~ the owners and using a certain water right of 42 inches of the waters of Big Wood River

County of Blaine, State of Idaho, decreed to R. F. and Rosa

B. Buller by decree of Judge Alfred Budge, of the

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

xx 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 _____), for the purpose of irrigating the

following described lands situate, lying and being in the County of Blaine and State of Idaho, to wit: S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 8, T. 1 S. R. 19 E. B.M._____ and is the persons (or the representative of the corporation) ^{who have} ~~to whom such right so issued, or has~~ become the owner thereof in the following manner, i. e.

by deed from the said R. F. and Rosa B. Buller

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 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 and petitioner desires 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: the NE $\frac{1}{4}$ Sec. 25, T. 1 N. R. 18 E. B.M. and the S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 30 T. 1 N. R. 19 E. B.M.That ^{their} ~~his~~ reasons for desiring to make such transfer are as follows:

That the said water is not necessary for the proper cultivation of the land to which it is decreed but can be used advantageously on the land to which it is intended to be transferred.

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That he ^{they} intend to divert and convey said 42 inches of water to the tract of land last above described in the following manner, to wit:

Thru the same ditch except that the point of diversion will be changed from the point marked (d) on the inclosed map to the point marked (c) on the said map.

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner, pray that the State Engineer of the State of Idaho issue to ^{of him} ~~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:

Subscribed and sworn to before me this 6th ^{12th} day of July ^{August}.

A. D. 1911.

Joseph S. Hedrick
Notary Public.

State of Idaho, }
County of Blaine } ss.

Harry D. Smith

and Henry J. Elliott

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 Hailey, 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

H. D. Curtis and J. C. Fox, 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 petitioners; 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 12th ^{7th} day of July ^{August}.

A. D. 1911.

Joseph S. Hedrick
Notary Public.

T. 1 N. R. 18 E.

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

Legend.

- a-land to which water was decreed.
- b-land to which water is to be transferred.
- c-new point of diversion from ditch.
- d-old point of diversion from ditch.
- e-point of diversion from river.

Big Wood River

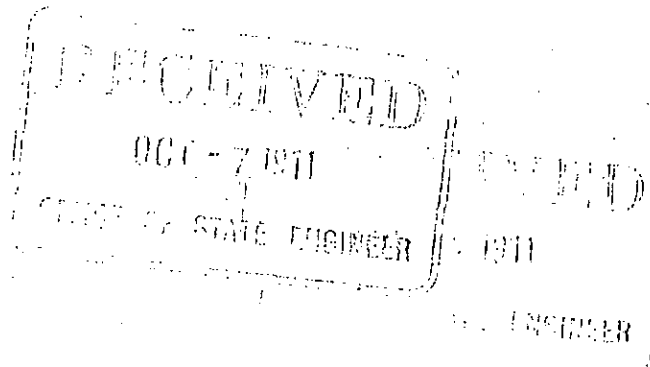
T. 1 S. R. 18 E. B.M.

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

	b				
2	50	b	30		29
36		31		32	
1		6		5	
12		7		8	da

Boise Meridian.

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State of Idaho,

County of Blaine

ss.

I, Dan R. Miller

Watermaster of

Upper Big Wood River

County of Blaine

State of Idaho, whose postoffice address is

Hailey, Idaho,

have read or heard read the foregoing affidavit and petition of H. D. Curtis and J. C. Fox, 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: That no one will be injured by the said transfer as the water is to be diverted from the same ditch at a point nearer to the main stream, thus saving the unnecessary waste by evaporation, etc.

Dan R. Miller

Watermaster.

Markay Ida Oct 11/11

Notice having been duly published for thirty days of the intention of the above named H. D. Curtis and J. C. Fox 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 September 17, 1911, 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)

no one appearing at said hearing on the day set to wit: September 17, 1911

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

Harvey Mackay

Commissioner of Water Division No. 2

By

Leon Paul Agent

Factor V-3-P-749
Place of Use

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Lansing

Little Deer Cr, Trib. Deer Cr. p 21, 29

Little Silver Cr, Trib. Silver? p 13

S. O. Frost et al.,
Plaintiffs
vs.
Utah Water Company, et al.,
Defendants.

W. E. [unclear]
show
transfers

Canas Co.

Blaine Co.

37 0108	Brown, Rodney R.	50 inches.	Sept. 1, 1884.	Guy Hollow.
37 0109	Superceded by Brown v. Reardon	10	June 1, 1885.	Rock Creek.
37 0110	Bryant, John P.	80	Feb. 23, 1906.	Big Wood River.
37 0111	Butler, R. F. and Rosa B.	87 3	Apr. 17, 1883.	" " "
37 0112	Do.	87 32	June 20, 1884.	" " "
37 0113	Do.	780	July 10, 1884.	" " "
37 0114	Do.	750	May 1, 1886.	" " "
37 0115	Do.	750	June 12, 1886.	" " "
37 0116	Do.	7	June 2, 1890.	" " "
37 0117	Do.	300	May 1, 1902.	" " "
37 0118	Do.	400	July 1, 1904.	Swamp on lands.
37 0119	Burkill, Frank A.	160	July 17, 1906.	Big Wood River.
37 0120	Butch, James W.	260	June 1, 1884.	East Fork of Big Wood River.
37 0121	Butler, Alvin L.	115	May 31, 1898.	Big Wood River.
37 0122	Byrne, John and Patrick	252	May 1, 1887.	" " "
37 0123	Byrne, Michael J. and Thos. J. Jr.	500	May 1, 1887.	" " " Road 75
37 0124	Byrne, Thomas, Sr.	40	May 1, 1887.	" " "
37 0125	Calhoun, J. E. and Charlotte	10	Apr. 1, 1884.	Silver Creek.
37 0126	Cameron, Ed.			Little Wood River Canal Company shares.
37 0127	Canzler, William	120	Aug. 2, 1897.	Big Wood River.
37 0128	Carey, James	80	May 15, 1884.	Little Wood River. (Also shares in Little Wood River Canal Co.)
37 0129	Carey, J. H.	100	June 1, 1882.	Corral Creek.
37 0130	Carpenter, Albert	160	Jan. 27, 1908.	Big Wood River.
37 0131	Carpenter, Forrest A.	160	Jan. 27, 1908.	" " "
37 0132	Carpenter, Henry	160	May 15, 1897.	" " "
37 0133	Carpenter, Herbert	160	May 15, 1888.	Soldier Creek.
37 0134	Carpenter, Salem	160	May 15, 1899.	Big Wood River.

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R. 19 E., containing 132.8 acres.

Brown, Rodney R.

Lot 1, Sec. 2, T. 1 S., R. 17 E., SW 1/4 of SE 1/4 and E 1/2 of SW 1/4 of Sec. 35, T. 1 N., R. 17 E., containing 149.10 acres.

Bryant, John P.

NE 1/4 of SE 1/4 of Sec. 20, and SE 1/4 of NE 1/4 of Sec. 20, T. 5 S., R. 15 E., -- 80 acres.

Buller, R. F. and
Rosa B., his wife

SE 1/4 of SE 1/4 of Sec. 19, SW 1/4 of SW 1/4 of Sec. 20, W 1/2 of NW 1/4 of Sec. 29, SE 1/4 of NW 1/4 of Sec. 29, NE 1/4 of SW 1/4 of Sec. 29, NE 1/4 of SE 1/4 of Sec. 28, SW 1/4 of NW 1/4 and NW 1/4 of SW 1/4 of Sec. 27, T. 1 S., R. 19 E., containing 360 acres. Also about 185 acres situated in Sections 17 and 18, T. 1 S., R. 19 E. Land in SE 1/4 and Lots 5 and 6, Sec. 36, T. 2 N., R. 18 E., containing about 138 acres, known as the Whitton Ranch. Also, Lots 4 and 5 and SE 1/4 of NW 1/4 of Sec. 6, T. 1 N., R. 19 E., containing 118.17 acres. S 1/2 of Sec. 30 and N 1/2 of Sec. 31, T. 1 N., R. 19 E. S 1/2 of NE 1/4, NE 1/4 of SE 1/4 and SE 1/4 of SE 1/4 of Sec. 8, T. 1 S., R. 19 E. Also, S 1/2 of NE 1/4 of Sec. 8, T. 1 S., R. 19 E.

Burkill, Frank A.

SE 1/4 of Sec. 18, T. 5 S., R. 15 E., 160 acres.

Butch, James W.

S 1/2 of SW 1/4 and W 1/2 of SE 1/4 of Sec. 29, T. 4 N., R. 19 E.

Butler, Alvin L.

E 1/2 of SE 1/4 of Sec. 7, and SW 1/4 of SW 1/4 of Sec. 8, T. 5 S., R. 17 E., -- 120 acres.

Byrne, John and Patrick

S 1/2 of NE 1/4, NW 1/4 of SW 1/4, S 1/2 of NW 1/4 and N 1/2 of SE 1/4 of Sec. 15, T. 3 S., R. 18 E., containing 280 acres.

RECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

April 17, 1979

MEMORANDUM

TO: Files (37-0111, 37-0112, and 37-0116) ✓

FROM: Roberta Garrett

RE: Transfer No. 87 -- Decree to R. F. & Rosa B. Buller -- Frost, et al.,
vs. Alturas Water Co., et al.

Transfer No. 87, as referenced above, does not show which of Buller's decreed rights were to be transferred. For our records, until such time as facts prove otherwise, it is assumed that transfer No. 87 for 42 inches was meant to apply to decreed right numbers 37-0111 (3 in.), 37-0112 (32 in.), and 37-0116 (7 in.).

rg

cc Southern Region

MICROFILMED