

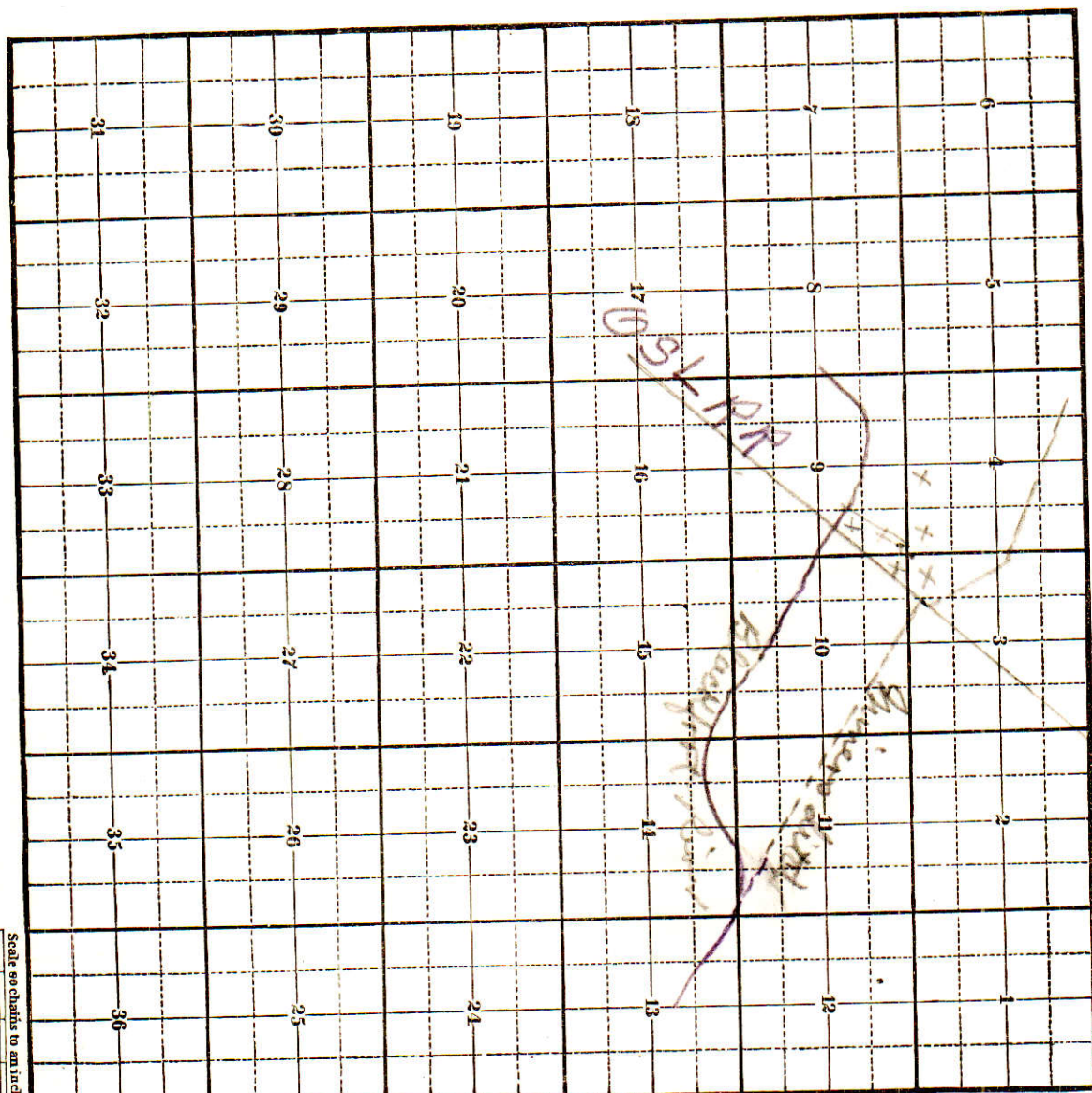
RECEIVED

OCT 12 1910

OFFICE OF STATE ENGINEER

[4-590.]

Township No. 38 Range No. 30 E.P. Mer.



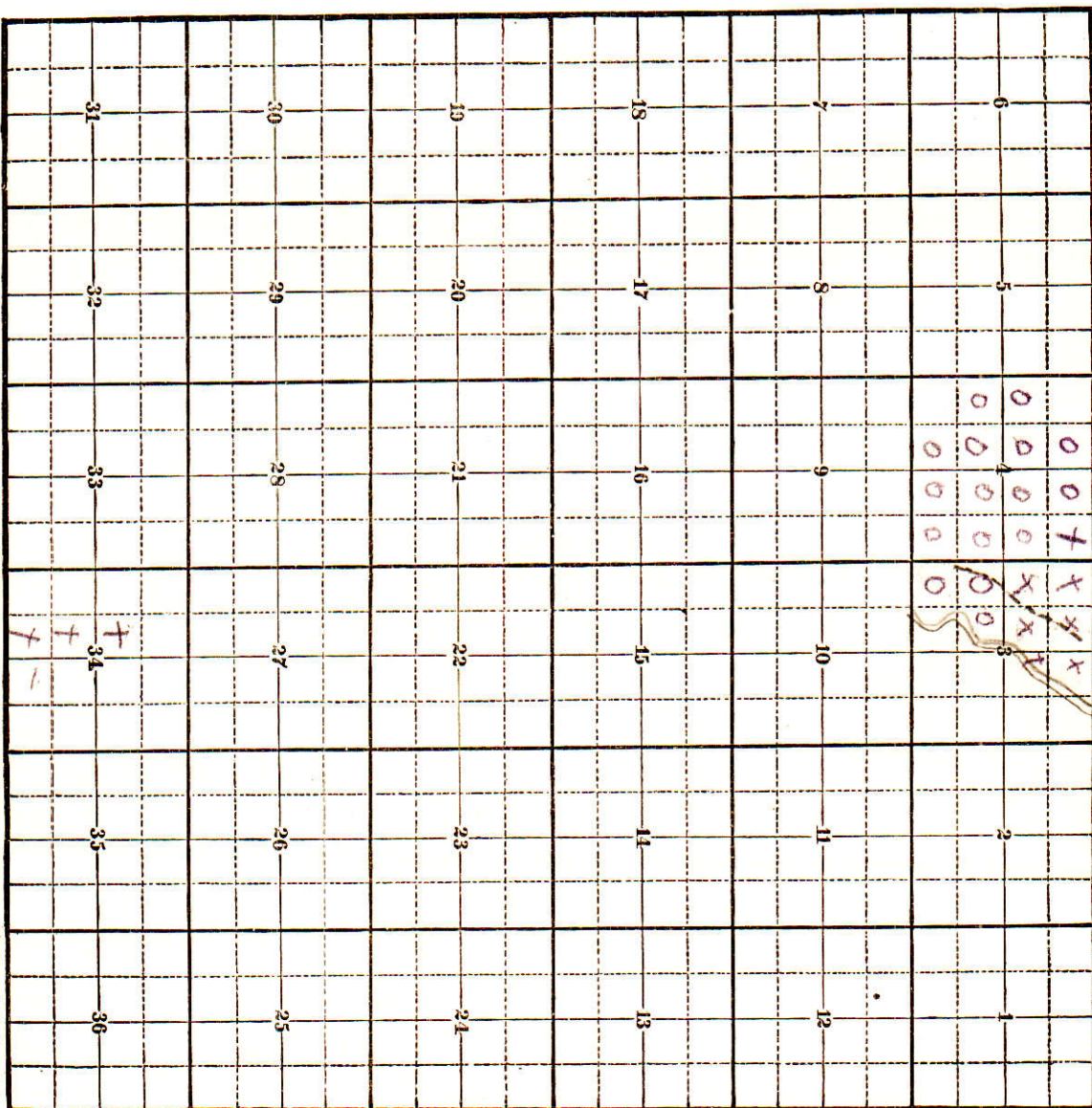
Dotted line shows Miners Ditch
X shows Kennedy Land

MICROFILMED

[4-590.]

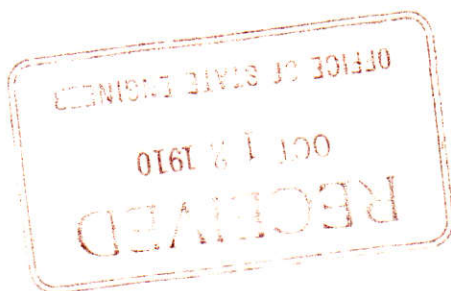
Township No. 38 Range No. 36 Mer.

7/2



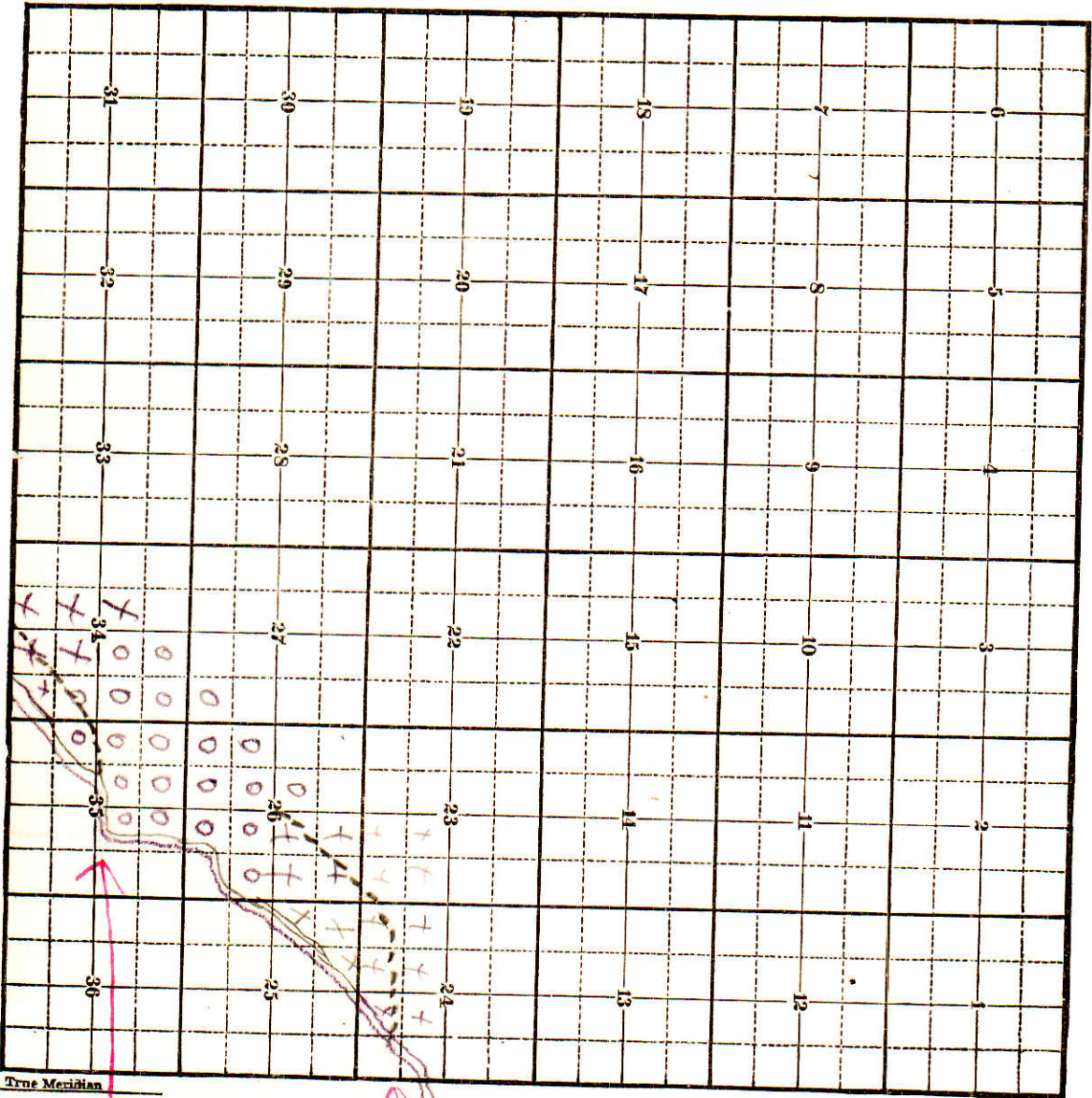
6-311

Scale see chain to south.
20 40 60 80



MICROFILMED

Township No. 28 Range No. 36 E. B. Ma.



OFFICE OF STATE ENGINEER
OCT 12 1910
RECEIVED
MICROFILMED

Blackfoot River

down stream
point of diversion

up stream
point of diversion

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Misslen, John	2.4		27-0017
58	Kennedy, E. M.	2.4	0	27-0017A

T
R
A
N
S
F
E
R

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BINGHAM COUNTY.

27-C
Transfers
Noted

Fred S. Stevens, et al.)
Plaintiffs,)
-vs-)
Eastern Idaho Water Co. et al.,)
Defendants.)

This cause having been heretofore tried
by the Court, without a jury, and the Court having made its
findings of fact and conclusions of law:

It is now ordered, Adjudged and Decreed, that the
following parties are entitled to divert from the Blackfoot
River, the amount of water herein indicated, and the right
of each party dates from the time hereinafter stated and
set opposite eachname, to-wit:-

27-0017

Fred S. Stevens	July 6, A. D. 1869	138 Inches
Henry Dunn	July 1, A. D. 1870	300 Inches
H. A. Just and) ; Emma Just)	August 1, A. D. 1871	200 Inches
Leon Misslen	July 1st, A. D. 1873	200 Inches
John Misslen	July 1st, A. D. 1874	120 Inches
H. R. Lewis	March 1st, A. D. 1875	100 Inches
Arresto Burrell	March 1st, A. D. 1876	100 Inches
William Kirkpatrick	May 1st, A. D. 1878	100 Inches
F. L. Shoemaker	April 1st, A. D. 1879	90 Inches
Eastern Idaho Water Co.	March 25, A. D. 1880	1800 Inches
H. B. Fox Jr.) ; William Howard) ; H. Whitten)		

MICROFILMED

October 26, 1910.

Re transfer of water right

Mr. W.M. Kennedy,
Blackfoot, Idaho

Sir:-

Am inclosing you herewith certificate of transfer No. 58,
authorizing transfer of water right.

Very truly yours,

State Engineer.

Tr 58

By..

RECEIVED

October 22, 1910.

Re transfer of water right

E. M. Kennedy,
Blackfoot, Idaho.

Sir:-

All the papers in the matter of transfer of water right are now on file and are satisfactory, hence, the certificate will be issued soon.

In looking over the papers I find that the fee had been sent with the application and the receipt for same issued. I am, therefore, returning you herewith your check of the 9th inst.

Very truly yours,

State Engineer.

Ch#1

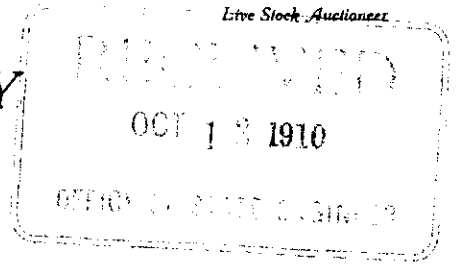
By...

RECEIVED

ALEX. YOUNIE

E. M. KENNEDY
Live Stock Auctioneer

... OFFICE OF ...
YOUNIE & KENNEDY
DEALERS IN
Real Estate, Notes, Bonds, Mortgages, Etc.
Farms on Easy Terms a Specialty



BLACKFOOT, IDAHO, 10-8 1910

Mr E. G. Martin

Boise Idaho

Dear Sir :-

Mr Webster sent me your letter sent him on 9-26-10. regarding maps which I enclose, together with ^{check} draft for \$100. I supposed I sent a check when I made the application. I didn't look over my checks but if you find it sent in error you can send it back unless the fee is too for the transfer.

Respectfully
E. M. Kennedy

RECEIVED

September 26, 1910.

Re transfer - E. M. Kennedy

Mr. J. O. Webster,
Water Com. 1st Div.,
Idaho Falls, Idaho.

Sir:-

I am today in receipt of yours of the 24th inst. inclosing application for transfer of water right of E.M. Kennedy. The maps, however, were not inclosed. Please have these sent in, together with the fee of \$1.00, at which time the certificate of transfer will be issued.

Very truly yours,

State Engineer.

By...

RECORDED



AMERICAN

J. T. PRICE & COMPANY

Blackfoot, Idaho,

Sep. 24 1910.

D. G. Martin

State Engineer.

Boise Idaho

Dear Sir:

I herewith inclose
application for transfer
of water right by E. M.
Kennedy, together with
my approval.

Yours Truly

J. O. Webster
Water Commissioner
1st Div.

RECEIVED

SEP 27 1910

OFFICE OF THE WATER COMMISSIONER

MICROFILMED

August 24, 1910.

Transfer of water right
E.M. Kennedy

Mr. J. O. Webster,
Water Com. 1st Div.,
Idaho Falls, Idaho - R.D.#5

Sir:-

I am inclosing you herewith application for transfer of water right by E. M. Kennedy, also maps accompanying same and quitclaim deeds showing Mr. Kennedy's title to the water. Am also inclosing blank notice for publication.

Very truly yours,

State Engineer.

App-M-2D-F202

By...

MICROFILMED

August 24, 1910.

Re transfer of water right

Mr. E. M. Kennedy,
Blackfoot, Idaho.

Sir:-

I am today in receipt of yours of the 22nd inst. inclosing application for transfer of water right, together with maps, fees and deeds. I am inclosing herewith receipt for fee.

I am today writing Mr. J. O. Webster, of Idaho Falls, Water Commissioner of the 1st Division, who will attend to setting the day for the hearing before him and also to having the notice of said hearing published the required thirty days prior to same.

Very truly yours,

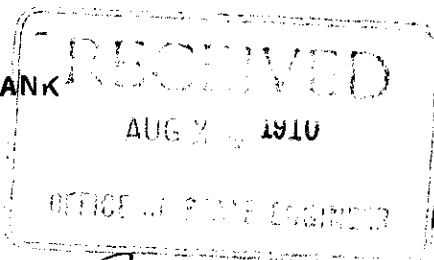
State Engineer.

R2916

By...

RECORDED

THE FIRST NATIONAL BANK
U. S. DEPOSITARY



BLACKFOOT, IDAHO, 8-22-10

Mr Dan Martin State Engineer
Boise Ida

Dear Sir:-

Enclose your application for transfer of water right together with check for \$10.

The law states that an abstract must be sent with such application but as there is only one transfer from the original decree and that to me I inclose the deed as evidence. You will note the Leon Missalun deed calls for 200 inches but I am only applying 80 inches of this water and the full 120 inches of John, Missalun. Hoping this may meet your approval I am
Yours Res E. S. Kennedy

MICROFILMED

Notice is hereby given that E. M. Kennedy of Blackfoot, Bingham County, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of Four Second Feet of the water of Blackfoot river from the land upon which it is now used, i. e. 1/4 of SW 1/4, the SE 1/4 of NW 1/4 and the NW 1/4 of SE 1/4, Sec. 34, Twp. 2 S. R. 3 E. B. M. to the following described tract: SW 1/4 of SW 1/4 Sec. 3, S 1/2 of SE 1/4 Sec. 4 and 80 acres beginning at the SW corner Sec. 8. Thence west 8 rods, thence south 1888 feet to Blackfoot river, thence along said river 8 feet to O. S. L. right of way, thence along said right of way to south line of Sec. 3 Twp. 2 S. R. 3 E. thence west along said Sec. line about 60 rods to place of beginning. And that on the 24th day of September, A. D. 1910, at Commercial Hotel, Blackfoot, at 1 o'clock P. M. before J. O. Webster, 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 certificate should not be issued authorizing such transfer. Full details of the proposed transfer may be obtained from James H. Zell, watermaster of said stream. 11-4

NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT
LEGAL NOTICES

THE IDAHO

File 27-C 21
27-00

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

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

CERTIFICATE No.58, AUTHORIZING TRANSFER OF WATER RIGHT .

Permission is hereby granted E. M. KENNEDY, of Blackfoot, County of Bingham, State of Idaho, to transfer the use of Two Hundred (200) inches of the waters of BLACKFOOT RIVER, Bingham County, Idaho, from the lands upon which it is now used, i.e., East half of Southwest quarter (E2 SW4), Southeast quarter of Northwest quarter (SE4 NW4) and Northwest quarter of Southeast quarter (NW4 SE4) Section Thirty-four (34), Township Two (2) South, Range Thirty-six (36) East of Boise Meridian, to the following described tract, to-wit: Southwest quarter of Southwest quarter (SW4 SW4) Section 3, South half of Southeast quarter (S2 SE4), Section Four (4), and Eighty (80) acres beginning at the southwest corner of Section Three (3), thence west 8 rods, thence south 1860 feet of Blackfoot river, thence along said river 850 feet to O.S.L. right-of-way, thence along said right-of-way to south line of Section Three (3), Township Two (2) South, Range Thirty-five (35) East of Boise Meridian, thence west along said section line about 60 rods to place of beginning.

The water right appurtenant to the above described lands was adjudged by decree, dated August 1st, 1891, of Charles Cobb, Judge of Fifth Judicial District of the State of Idaho in and for Bingham County, in the matter of F. S. Stephens, plaintiff, vs. Eastern Idaho Company, a corporation, defendant.

in the following words:

"It is now ordered, adjudged and decreed,
that the following parties are entitled to divert
from Blackfoot river, the amount of water herein
indicated.....
John Misslen, July 1st A. D. 1874, 120 inches
Leon Misslen, July 1st A. D. 1885, 300 inches."

120 inches of above water rights was purchased from John Misslen and 80 inches from Leon Misslen, by E. M. Kennedy.

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

D. G. Martin
State Engineer.

(SEAL)

RECORDED

That he intends to divert and convey said foot water of water to the tract

of land last above described in the following manner, to wit: Through the river

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 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.

Edwin M. Kennedy
Subscribed and sworn to before me this 17th - day of August

A. D. 1902

J. C. Parkinson
Notary Public

State of Idaho,
County of Bingham
ss. }

Henry Brown and Arvelina H. Thompson

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 Blackfoot

that he is a user of water from Blackfoot River, County of Bingham,

State of Idaho; that he has read or heard read the foregoing affidavit and petition of Edwin

M. Kennedy, 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 pe-

tioned.

Arvelina H. Thompson
Subscribed and sworn to before me this 20th - day of August 1910

A. D. 1902

J. C. Parkinson
Notary Public

State of Idaho,

ss.

County of _____

I, _____, Watermaster of _____,
County of _____, State of Idaho, whose postoffice address is _____
_____, have read or heard read the foregoing affidavit and petition of
_____, 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 au-
thorized; 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: _____

No Watermaster

Watermaster.

Blackfoot Idaho
Sep. 24 1910.

Notice having been duly published for thirty days of the intention of the above named *Edwin*
M. Kennedy 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 *Blackfoot*, on *Sep. 24 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.

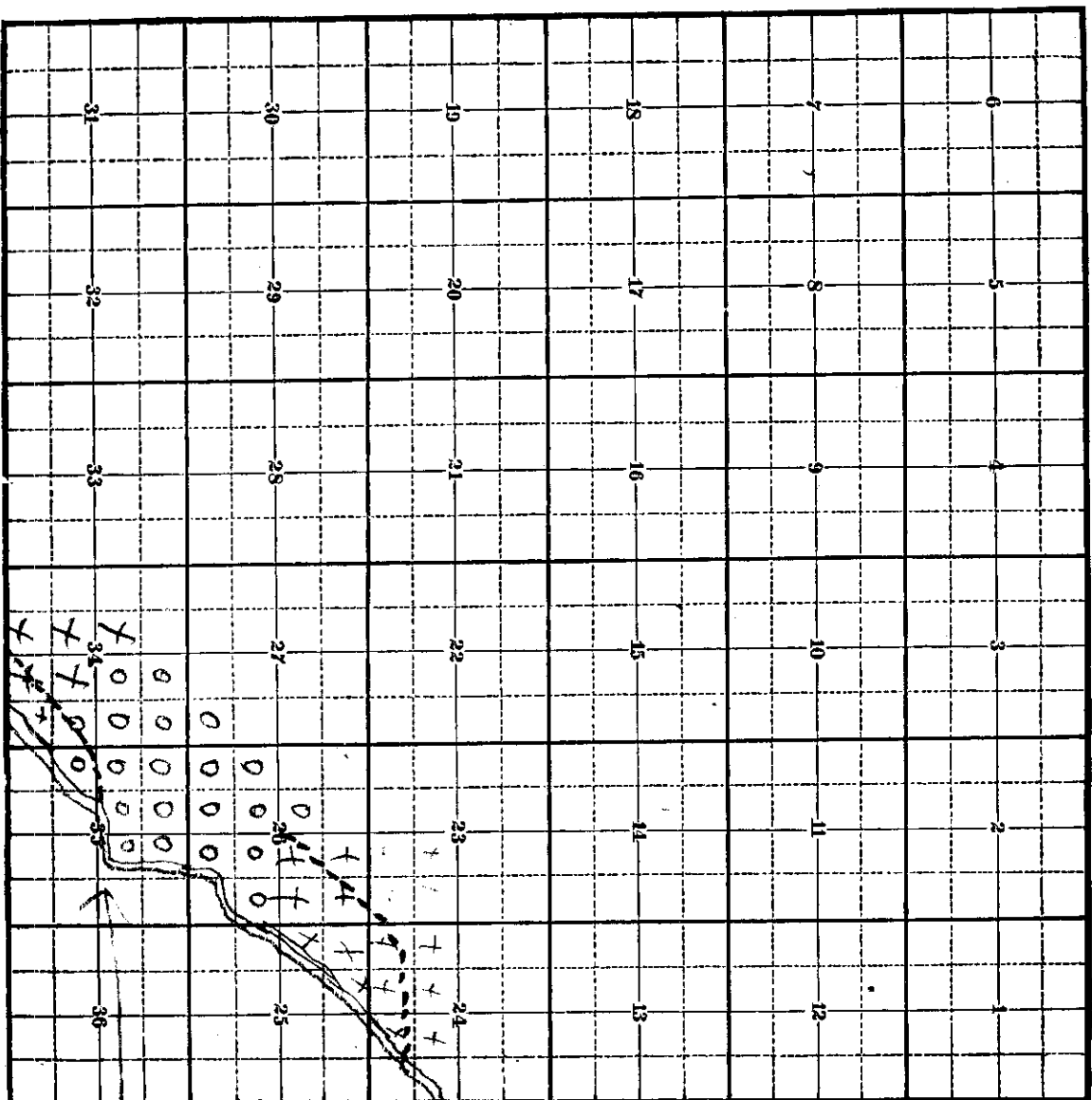
MICROFILMED

J. D. Webster
Commissioner of Water Division No. *1*

By _____

[4-590.]

Township No. 2 S Range No. 36 E 12 Mer.



OFFICE OF STATE ENGINEER
OCT 12 1910
RECEIVED
MICROFILMED

Blackfoot River

to the river

the water is taken
from the river

#1

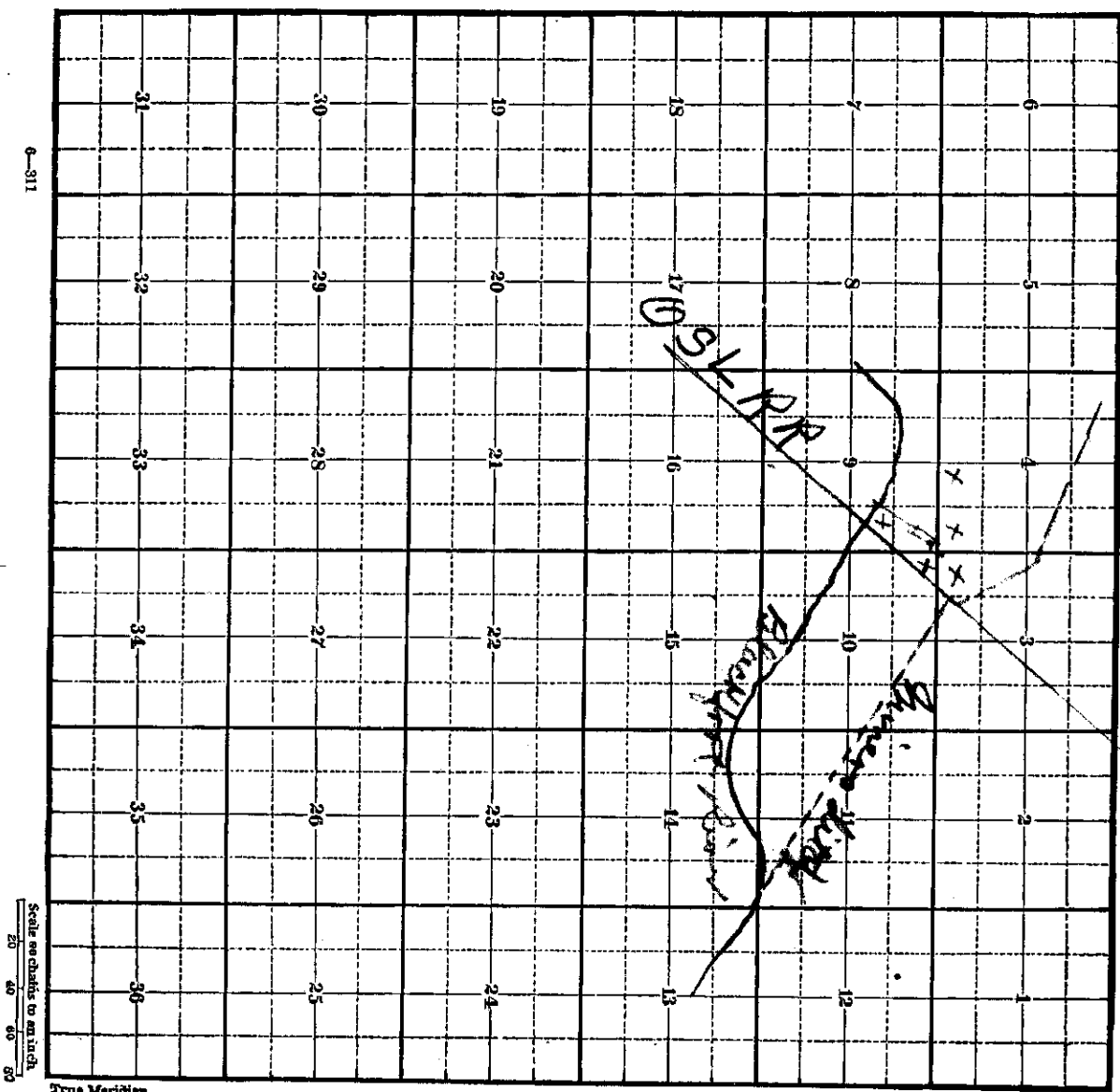
[4-590.]

OFFICE OF STATE ENGINEER

OCT 12 1910

RECEIVED

Township Sp. 38 Range Sp. 35 E. 1/4 Sec. 1



6-311

Scale in chains to an inch.
20 40 60 80

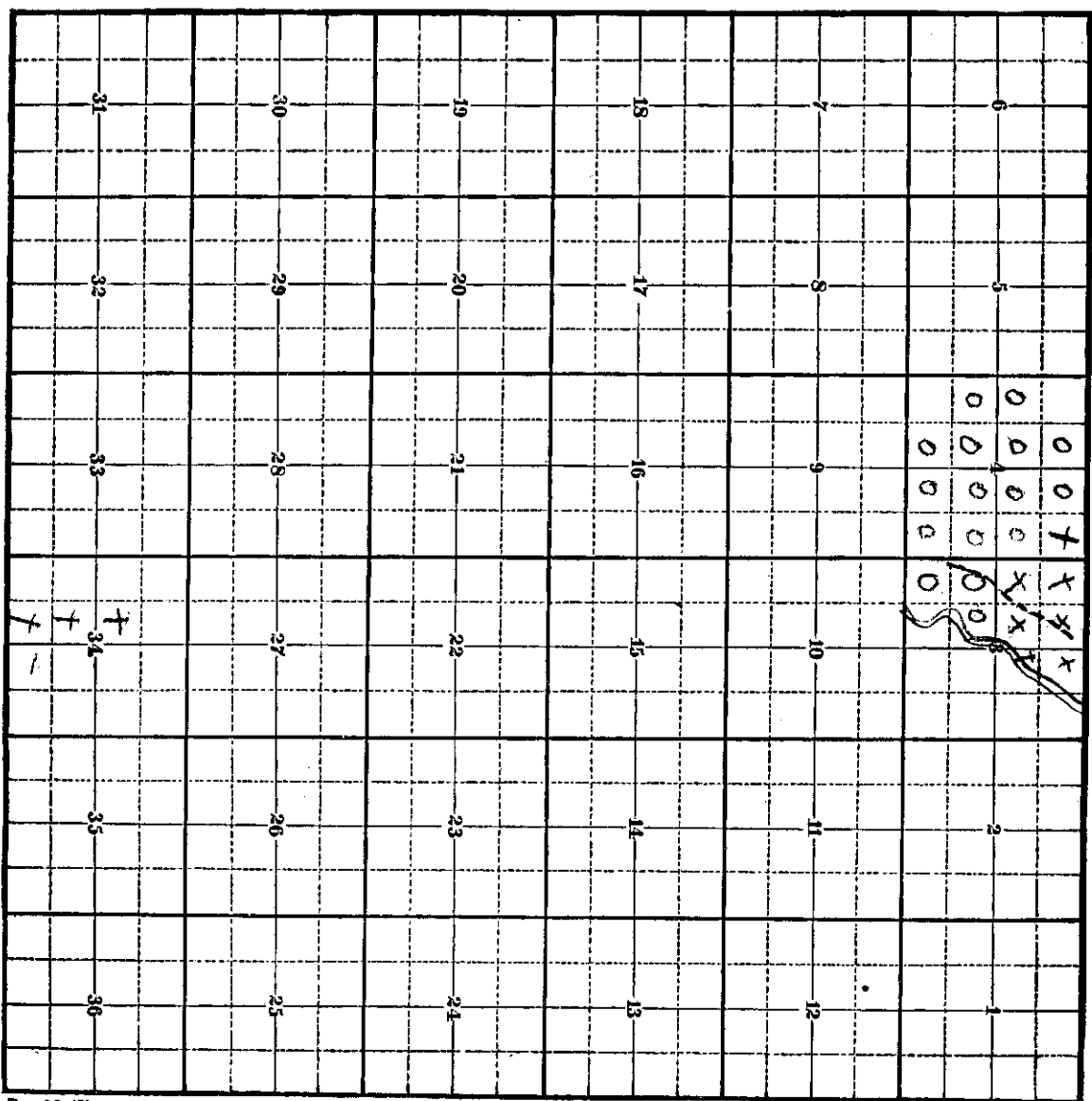
Dotted Line shows Inners Ditch
X shows Kennedy Land

MICROFILMED

[4-590.]

Township No. 3 S Range No. 36 W. Mo.

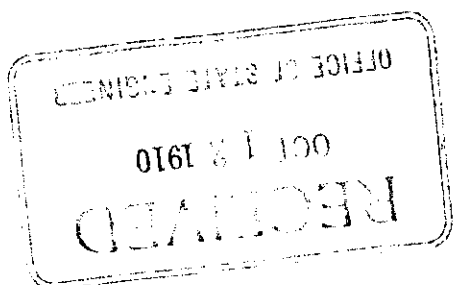
712



6-311

Scale sections in miles.
0 20 40 60 80

True Meridian



MICROFILMED