

Tp. 4, R. 3, W. 3, N. Scale 2 1/4 in to mile

6

5

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2

1

Name of Applicant:
Rebecca Bell

MICROFILMED

RECEIVED
NOTARIES TO BE FILMED

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11

12

O.S.L.R.R.

W. Road

Headgate of Riverside Canal
14

13

18

17

16

15

BOISE

RIVER

Pioneer Dixie Ditch
Riverside Canal

Headgate of Pioneer Dixie Ditch

63-0136

Affidavit of Publication

STATE OF IDAHO,
County of Canyon. } ss.

Geo D Wheeler being duly sworn, deposes and says
that he is *Chief Clerk* of the TRIBUNE PRINTING AND PUBLISHING
COMPANY, publishers of THE CALDWELL TRIBUNE, a weekly newspaper published
at Caldwell, Idaho; that the said paper is in general circulation in the County aforesaid, and
has been for a period of one year preceding first publication of this advertisement, a copy of
which is attached hereto, was published in the regular edition of said CALDWELL

TRIBUNE *Six* consecutive weeks, beginning with the
issue of *Sept 20* 19*12*, and ending with the
issue of *Oct 25* 19*12*

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth, John Daly, of Boise, Idaho, have applied to the State Engineer of the State of Idaho for a certificate authorizing them to transfer the use of fifteen hundred and forty-five (1545) inches, measured under four-inch pressure, being thirty and nine-tenths (30.9) cubic feet per second of the waters of the Boise River, from the land upon which it is now used; viz.:

Lots 7 and 8, Sec. 25; the SE $\frac{1}{4}$; and the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ and Lots 5, 6, 7, 8, 9, of Sec. 26, Twp. 4 N., Range 4 W., B. M.

E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 23 and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 14, Twp. 4 N., Range 4 W., B. M.

E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 14, and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 14, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 14, and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 14, and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 14; also Lots 10 in Sec. 12 and the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 13, all in Twp. 4 N., Range 4 W., B. M.

Lots 7 and 8 of Sec. 18, in Twp. 4 N., Range 3 W., B. M., and SE $\frac{1}{4}$ of Sec. 13, Twp. 4 N., Range 4 W., B. M. excepting the lands described in that one certain deed recorded in Book 50 of Deeds at Page 362 of the records of Canyon County, said portion excepted being a strip of land 104 feet in width off the south side of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 4 N., Range 3 W., B. M., and a strip of land 104 in width off the south side of the SE $\frac{1}{4}$ of Sec. 13, Twp. 4 N., Range 4 W., B. M., more particularly described as follows, to-wit: Beginning at the southeast corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 4 N., Range 3 W., B. M.; running thence 104 feet north; thence west to the center line of Section 13, Twp. 4 N., Range 4 W., B. M.; thence south 104 feet to the south line of Sec. 13; thence east to the point of beginning.

being a strip of land deeded to the Riverside Irrigation District;

The fractional SW $\frac{1}{4}$ of Sec. 17, Twp. 4 N., Range 3 W., B. M., containing 155.65 acres;

SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 13, Twp. 4 N., Range 4 W., B. M.

All of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 4 N., Range 3 W., B. M., excepting therefrom 8 acres as follows: Beginning at the NW corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and running thence south 59 deg. 30 min. east 552 feet to a stone; thence south 80 deg. 45 min. east 838 feet; thence north 400 feet to a balm tree on the south bank of a slough; thence easterly along the slough to the east line of the said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence north to the NE corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence west a quarter of a mile to the place of beginning;

W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 20, Twp. 4 N., R. 3 W., B. M., save and except the following piece and portion of land which has been heretofore conveyed by the first parties herein;—

Commencing at a point 25 feet W of the SE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20, Twp. 4 N., R. 3 W., B. M., thence due north to the center line of the canal of the Riverside Irrigation District; thence westerly along the center line of said canal to the west boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; thence S on said W boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; to the SW corner of the said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; thence E at right angles on the southern boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20, to the place of beginning; and upon other lands as follows: SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11, Twp. 4 N., R. 4 W., B. M.

Lot 2, or the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 6, Twp. 4 N., of Range 4 W., B. M.; and all that portion of lots 6 and 7 of Sec. 6, Twp. 4 N., of Range 4 W., B. M.

Subscribed and Sworn to before me this *25th*

day of *Oct* 19*12*.

Kate Morrow
Notary Public.

of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of Range 4 W., B. M.;
All of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 4 N., Range 3 W., B. M., excepting therefrom 8 acres as follows: Beginning at the NW corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and running thence south 59 deg. 30 min. east 552 feet to a stone; thence south 80 deg. 45 min. east 838 feet; thence north 400 feet to a balm tree on the south bank of a slough; thence easterly along the slough to the east line of the said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence north to the NE corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence west a quarter of a mile to the place of beginning;
W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 20, Twp. 4 N., R. 3 W., B. M., save and except the following piece and portion of land which has been heretofore conveyed by the first parties herein;—Commencing at a point 25 feet W of the SE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20, Twp. 4 N., R. 3 W., B. M., thence due north to the center line of the canal of the Riverside Irrigation District; thence westerly along the center line of said canal to the west boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; thence S on said W boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; thence to the SW corner of the said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; thence E at right angles on the southern boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20, to the place of beginning; and upon other lands as follows: SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11, Twp. 4 N., R. 4 W., B. M.;

Lot 2, or the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 6, Twp. 4 N., of Range 4 W., B. M.; and all that portion of lots 6 and 7 of Sec. 6, Twp. 4 N., Range 4 W., B. M., lying north and east of the Riverside Canal.

To the following described tract, to-wit:

All of the SW $\frac{1}{4}$ of Section 26, south of the Government Canal; the south half of the SE $\frac{1}{4}$ and the east half of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26; the west half of Section 34; the SE $\frac{1}{4}$ of Section 34, and the south half of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34; the North half of the SE $\frac{1}{4}$ of Section 33; and the north half of the south of the Government Canal; the south half of Section 28 and the south half of the NE $\frac{1}{4}$ of Section 28; of the NW $\frac{1}{4}$ of Section 28; the east half of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29; the SE $\frac{1}{4}$ of Section 29, and the south half of the NE $\frac{1}{4}$ of Section 29; and all that portion of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29 south of the Government Canal; and all that portion of the east half of Section 30 east of the Government Canal; the NE $\frac{1}{4}$ of Section 32, and the north half of the SE $\frac{1}{4}$ of Section 32; the south half of the NW $\frac{1}{4}$ of Section 32 and all that portion of the north half of the NW $\frac{1}{4}$ of Section 32 lying east and south of the Government Canal; all of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31; all in Township 3 N., Range 2 E., B. M., Ada County, Idaho.

And that upon the twenty-fifth day of October, A. D., 1912, at 2:00 p. m., at the office of Madden, Nichol & Badley in the city of Caldwell, county of Canyon, state of Idaho, 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 certificate should not be issued authorizing such transfer.

Full details of the proposed transfer may be obtained from M. G. McConnell, Watermaster of said stream.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Pioneer Dixie Ditch Co.	20.0		63-0136
		0		
111	Randall, H. L. et al	~~(20.0)~~	0	63-0136A
790	Boise Project Board of Control	20.0		63-0136AA

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STATE OF IDAHO,

County of ... Canyon } ss.

..... Rebecca Bell being first duly sworn, upon his
oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:
South one half of South west quarter of Sec. 10 E 8
North one half of North west quarter of Sec. 15 T. 4 N. R. 4 W. 2
as evidenced by the decree dated the eighteenth day of Apr. 1906
in the cause entitled Farmers Co-operative Ditch Co. Plaintiff,
vs. Riverside Irrigation Dist. et al. Defendant, brought
in the District Court of the Third Judicial District of the State of Idaho; or,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of
Idaho No.

That he intends to change the point of diversion, as described in said decree ~~or permit~~, to the
following described point:

SE 4 of S. W 4 of Sec. 10 T. 4 N. R. 4 W. 2 canyon
Co. Ida - at point of diversion of the Riverside Irrigation Dist ditch

That such change will be made for the following reasons, to-wit:
that affiant has ^{right to} twenty inches of water in the
said Riverside Irrigation Dist ditch of 100 shares
in the Pioneer-Dixie Ditch Co. representing 100 inches
all used on the same land which water taken
through the Pioneer-Dixie Ditch is for considerable
distance now runs through said Riverside
Irrigation Dist ditch and it will be more
convenient to have all diverted at same place

That no one will be injured by such change and that deponent will make such change at his own
risk.

And further deponent saith not.

Subscribed and sworn to before me this 3rd day of Apr. 1919

Rebecca Bell

H. Wallace

Notary Public.

Caldwell Ida

My commission expires Jan 13, 1921
(Over.)

(Over.)

From Pioneer Ditch to Riverside

STATE ENGINEER'S OFFICE

*Regulations as to Change of
Point of Diversion.*

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section.

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the land to be irrigated.
 - (f) Lands to be irrigated to be shown by cross-hatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Point or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me.....191..., and correctly shows position of points indicated thereon.

.....
Engineer.

P. O.

Date.....191...
(Over.)

RECEIVED

OFFICE OF THE STATE ENGINEER

Tp. 4, N. R. 3, W. B. M. Scale 2 1/4 in to mile

6

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Name of Applicant:
Rebecca Bell

RECEIVED

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D. & L. R.R.

W. Road

Headgate of Riverside Canal
14

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17

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BOISE

RIVER

Pioneer Dixie Ditch
Riverside Canal

Headgate of Pioneer Dixie Ditch

63-0136

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 790.

THIS IS TO CERTIFY That BOISE PROJECT BOARD OF CONTROL, is the owner of and using the following water rights for the waters of Boise River

Twenty (20) cubic feet per second with priority of September 1, 1864, decreed to Pioneer Dixie Ditch Company.

Thirty-four hundredths (0.34) cubic foot per second with priority of June 1, 1869, decreed to Pioneer Dixie Ditch Company.

One and twenty-hundredths (1.20) cubic feet per second with priority of October 1, 1887, decreed to American Ditch Company,

by decree of Judge George H. Stewart, of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, bearing date of January 18, 1906, in the case of

FARMERS' COOPERATIVE DITCH COMPANY

Plaintiffs,

vs.

RIVERSIDE IRRIGATING DISTRICT, et al,

Defendants,

being appurtenant to the following described land, situate, lying and being in Water District No. 12-A, County of Ada, and State of Idaho, by Certificate of Transfer No. 111, dated November 25, 1912, to-wit:

Lands within the Hillcrest Irrigation District, located in Sections 26, 27, 28, 29, 30, 31, 32, 33, and 34, Township 3 North, Range 2 East, B.M.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at page 410 thereof.

That the said Boise Project Board of Control has become the owner of said water right through purchase.

And that now, upon the application of the Boise Project Board of Control, through Forrest Sower, Manager, of Boise, Idaho, for a Certificate of Transfer of Water Right made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of Twenty-one and fifty-four hundredths (21.54) cubic feet per second of the waters of Boise River from the lands above described is HEREBY ABANDONED, and the tracts of land to be irrigated under such rights and to which the water rights HEREBY CONFIRMED shall be made appurtenant by this certificate, are described as follows, to-wit:

RECORDED
JAN 10 1913

All Boise Project land operated by the Boise Project Board of Control, comprising lands within the New York Irrigation District, the Boise-Kuna Irrigation District, the Nampa-Meridian Irrigation District, the Wilder Irrigation District and the Big Bend Irrigation District.

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

20 cubic feet per second with priority of September 1, 1864.

0.34 cubic foot per second with priority of June 1, 1869.

1.20 cubic feet per second with priority of October 1, 1887.

That the water right hereby transferred has heretofore been conducted to the first above described lands through the New York Canal, with point of diversion near the Quarter corner common to Sections 3 and 4, Township 2 North, Range 3 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the New York Canal and with the same point of diversion.

That the right to the use of the 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 28th day of March, 1952.

MARK R. KULP
State Reclamation Engineer

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Application of

BOISE PROJECT BOARD OF CONTROL,
Through Forrest Sower, Manager
Boise, Idaho.

For a Transfer of Water Right, in Water District
No. 12-A, County of Ada.

ORDER GRANTING TRANSFER

No. 790

WHEREAS, On the 4th day of March, 1952, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Boise Project Board of Control, through Forrest Sower, Manager, of Boise, 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 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 28th day of March, 1952.

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 790.

THIS IS TO CERTIFY That BOISE PROJECT BOARD OF CONTROL, is the owner of and using the following water rights for the waters of Boise River.

Twenty (20) cubic feet per second with priority of September 1, 1864, decreed to Pioneer Dixie Ditch Company.

Thirty-four hundredths (0.34) cubic foot per second with priority of June 1, 1869, decreed to Pioneer Dixie Ditch Company.

One and twenty-hundredths (1.20) cubic feet per second with priority of October 1, 1887, decreed to American Ditch Company,

by decree of Judge George H. Stewart of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, bearing date of January 18, 1906, in the case of

FARMERS' COOPERATIVE DITCH COMPANY

Plaintiffs,

vs.

RIVERSIDE IRRIGATING DISTRICT, et al,

Defendants,

being appurtenant to the following described land, situate, lying and being in Water District No. 12-A, County of Ada, and State of Idaho, by Certificate of Transfer No. 111, dated November 25, 1912, to-wit:

Lands within the Hillcrest Irrigation District, located in Sections 26, 27, 28, 29, 30, 31, 32, 33, and 34, Township 3 North, Range 2 East, B.M.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at page 410 thereof.

That the said Boise Project Board of Control has become the owner of said water right through purchase

And that now, upon the application of the Boise Project Board of Control, through Forrest Sower, Manager of Boise, Idaho, for a Certificate of Transfer of Water Right made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of Twenty-one and fifty-four hundredths (21.54) cubic feet per second of the waters of Boise River from the lands above described is HEREBY ABANDONED, and the tracts of land to be irrigated under such rights and to which the water rights HEREBY CONFIRMED shall be made appurtenant by this certificate, are described as follows, to-wit:

All Boise Project land operated by the Boise Project Board of Control, comprising lands within the New York Irrigation District, the Boise-Kuna Irrigation District, the Nampa-Meridian Irrigation District, the Wilder Irrigation District and the Big Bend Irrigation District.

Said water 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:

20 cubic feet per second with priority of September 1, 1864.

0.34 cubic foot per second with priority of June 1, 1869.

1.20 cubic feet per second with priority of October 1, 1887.

That the water right hereby transferred has heretofore been conducted to the first above described lands through the New York Canal, with point of diversion near the Quarter corner common to Sections 3 and 4, Township 2 North, Range 3 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the New York Canal and with the same point of diversion.

That the right to the use of the 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 28th day of March, 1952.

(SEAL)

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 791.

THIS IS TO CERTIFY That J. E. GARNER, of Rexburg, Idaho, is the owner of and using a certain water right for Twenty-six hundredths (0.26) cubic foot per second of the waters of Camas Creek with priority of July 1, 1879, said water being decreed to the Oregon Short Line Railroad Company by Judge Charles C. Cavanah of the District Court of the United States, for the District of Idaho, Eastern Division, in the case of

ERNEST SAUVE,
Plaintiff,

vs.

W. H. ABBOTT, ET AL.,
Defendants.

said decree bearing date of November 1, 1930, and being appurtenant to the following described lands, to-wit:

Railroad use at the old town of Camas, Idaho,
located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, Township
8 North, Range 36 East, B.M.

That said Decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at Page 535.

That said J. E. Garner has become the owner of said water right through purchase.

And that now, upon the application of J. E. Garner, of Rexburg, Idaho, for the transfer of Twenty-six hundredths (0.26) cubic foot per second of the waters of Camas Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Twenty-six hundredths (0.26) cubic foot per second of the waters of Camas Creek upon the above described lands 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:

SE $\frac{1}{2}$ SE $\frac{1}{4}$ Section 18, NE $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19, Town-
ship 10 North, Range 38 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:

0.26 cubic foot per second of the waters of Camas
Creek with priority of July 1, 1879.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Camas Creek through Railway pipe line with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, Township 8 North, Range 36 East, B.M.

That the water right hereby transferred shall hereafter be conducted to the last above described land from Camas Creek, through the Jacoby Ditch with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, Township 10 North, Range 38 East, B.M.

That the right to the use of the 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 20th day of September, A.D. 1952.

(SEAL)

MARK R. KULP
State Reclamation Engineer

and the West one-half of the Southwest quarter ($W\frac{1}{2} SW\frac{1}{4}$) of Section Thirteen (13), Township Four (4) North of Range Four (4) West, Boise Meridian.

W.E. Oster
Sixth, 65 inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of Section Eighteen (18), Township Four (4) North, Range Three (3) West Boise Meridian, excepting therefrom 8 acres as follows: Beginning at the Northwest corner of said northeast quarter of the southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$), and running thence south $59^{\circ} 30'$ East 552 feet to a stone; thence south $80^{\circ} 45'$ East 838 feet; thence north 400 feet to a balm tree on the south bank of a slough, thence easterly along the slough to the east line of the said Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$), thence north to the NE corner of said $NE\frac{1}{4}$ of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$), thence west a quarter of a mile to the place of beginning.

Bank
Seventh, $57\frac{1}{2}$ inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: West one-half of the Northwest quarter ($W\frac{1}{2} NW\frac{1}{4}$) of Section Twenty (20), Township Four (4) North, Range Three (3) West Boise Meridian, save and except the following piece and portion of land which has been heretofore conveyed by the first parties herein: Commencing at a point 25 feet West of the Southeast corner of the Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$) of Section Twenty (20) Township Four (4) North, Range Three (3) West, thence due north to the center line of the canal of the Riverside Irrigation District, thence Westerly along the center line of said canal to the West boundary line of said Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$) of said Section Twenty (20), thence South on said West boundary line of said Southwest quarter of the Northwest ($SW\frac{1}{4} NW\frac{1}{4}$) of said Section Twenty (20), to the Southwest corner of the said Southwest quarter of the Northwest quarter of said Section Twenty (20), thence East at right angles on the Southern boundary line of said Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$) of Section Twenty (20), to the place of beginning, and upon other lands as follows: The Southwest quarter of the Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of Section Eleven (11), Township Four (4) North, Range Four (4) West, Boise Meridian.

Stallan
Eighth, 50 inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: Lot Two (2), or the Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) of Section Six (6), Township Four (4) North, of Range Four (4) West Boise Meridian.

Buffington
Ninth, 10 inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: All that portion of Lots Six (6) and Seven (7) of Section Six (6), Township Four (4) North, Range Four (4) West Boise Meridian, lying north and east of the Riverside Canal.

THAT, 1017 inches of the above described waters have heretofore been diverted through the Pioneer Dixie Ditch Company's canal, point of diversion being located on the South side of the Boise river near the center of the Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$) of Section Twenty (20), Township Four (4) North, Range Three (3) West, Boise Meridian.

THAT, 60 inches of the above described waters have been heretofore diverted through the American Ditch Association's canal, point of diversion being located on the South bank of the Boise river at or near the Southeast corner of the Southwest quarter ($SW\frac{1}{4}$) of Section Sixteen (16), Township Four (4) North, Range Three (3) West, Boise Meridian.

63-0136 - 34" NW 1/4 111
 63-0174 90" 6-1-1869
 63-0175 110" 6-1-1878
 63-0201 168" 6-1-1878
 63-0233 60" 10-1-1887
 63-0137 17" 6-1-1869

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

OFFICE OF STATE ENGINEER.

CERTIFICATE NO. 111, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth and John Daly of Boise, County of Ada, State of Idaho, to transfer the use of the following described waters of Boise river.

Cashman

First, 100 inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands; East one-half of the Northeast quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Twenty-three (23) and the East one-half of the Southeast quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Fourteen (14), Township Four (4) North, Range Four (4) West Boise Meridian.

J. E. Mordland

Second, 374 $\frac{1}{2}$ inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: East one-half of the Northeast quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Fourteen (14), the Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) of Section Fourteen (14), the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) of Section Fourteen (14), the North one-half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$) of Section fourteen (14), the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$) of Section Fourteen (14), also Lots Ten (10) in Section Twelve (12) and the East one-half of the Northeast quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section 13, all in Township four (4) North, Range four (4) West Boise Meridian.

S. W. Vail
Ballantyne

Third, 200 inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: Lots Seven (7) and Eight (8) of Section Eighteen (18) in Township Four (4) North, Range Three (3) West Boise Meridian, and the Southeast quarter ($SE\frac{1}{4}$) of Section Thirteen (13), Township Four (4) North, Range 4 West, Boise Meridian., excepting the lands described in that one certain deed recorded in Book 50 of Deeds at Page 362 of the records of Canyon County, said portion excepted being a strip of land 104 feet in width off the south side of the Southwest quarter of the southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of Section Eighteen (18), Township Four (4) North, Range Three (3) West, Boise Meridian and a strip of land 104 feet in width off the south side of the Southeast quarter ($SE\frac{1}{4}$) of Section Thirteen (13), Township Four (4), North, Range Four (4) West Boise Meridian, more particularly described as follows to-wit: Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of Section Eighteen (18), Township Four (4) North, Range Three (3) West, Boise Meridian, running thence 104 feet north, thence west to the center line of Section Thirteen (13), Township Four (4) North, Range Four (4) West, Boise Meridian, thence south 104 feet to the south line of Section Thirteen (13), thence east to the point of beginning, being a strip of land deeded to the Riverside Irrigation District.

Kress
Ruark

Fourth, 100 inches of water measured under a four inch pressure, heretofore appurtenant and used upon the following described lands: Fractional Southwest quarter ($SW\frac{1}{4}$) of Section Seventeen (17), Township Four (4) North, Range Three (3) West, Boise Meridian.

S. W. Vail

Fifth, 120 inches of water measured under a four inch pressure, heretofore appurtenant and used upon following described lands: Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$)

MICROFILMED

THAT, Permission is hereby granted to the above named parties to divert, hereafter, the above described waters from Boise river at a point located in the Northwest corner of the Southwest quarter (SW $\frac{1}{4}$) of Section Three (3), Township Two (2) North, Range Three (3) East, Boise Meridian, to be hereafter used upon the following described lands under the proposed Hillcrest Irrigation District, to-wit: All of the Southwest quarter (SW $\frac{1}{4}$) of Section Twenty-six (26), south of the Government Canal; The South half of the southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$), the East half of the Northwest quarter of the Southeast quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-six (26), The West half (W $\frac{1}{2}$) of Section Thirty-four (34), the Southeast quarter of Section Thirty-four (34), and the South half of the Northeast quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-four (34), the North half (N $\frac{1}{2}$) of Section Thirty-three (33), and the North half of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-three (33), all of Section Twenty-seven (27) south of the Government Canal; the South half (S $\frac{1}{2}$) of Section Twenty-eight (28) and the South half of the northeast quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Twenty-eight (28), the Northwest quarter (NW $\frac{1}{4}$) of Section Twenty-eight (28), the East half of the southwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and the Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-nine (29), the Southeast quarter (SE $\frac{1}{4}$) of Section Twenty-nine (29), and the South half of the NE quarter of Section Twenty-nine (29), and all that portion of the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-nine (29) South of the Government Canal; and all that portion of the East half (E $\frac{1}{2}$) of Section Thirty (30), east of the Government Canal; the Northeast quarter (NE $\frac{1}{4}$) of Section Thirty-two (32), and North half of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-two (32), the South half of the Northwest quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirty-two (32), and all of that portion of the North half of the Northwest (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirty-two (32) lying east and south of the Government Canal; all of the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-one (31), all in Township Three (3) North, Range Two (2) East, Boise Meridian.

The waters hereinbefore described were adjudicated by decree dated January 18, 1906, of George H. Stewart, Judge, of the Seventh Judicial District of the State of Idaho in and for the County of Canyon in the case of the Farmers Cooperative Ditch Company, Plaintiff, vs. the Riverside Irrigation District, et al, Defendants, title to the use of which waters has heretofore been duly vested in the above named parties by proper deeds and conveyances.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twenty-fifth day of November, 1912.

A. E. Robinson.

State Engineer.

(SEAL)

MICROFILMED

65.7
IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON.

Farmers' Cooperative Ditch Company, (a corporation)

Plaintiff,

vs.

D E C R E E.

Riverside Irrigating District, Limited, (a corporation)

et al,

Defendants.

RECEIVED

MAR 17 1919

Department of Reclamation

MICROFILMED

VII.

That the defendant C. C. HAVILAND, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in NW 1/4 of NE 2/4 of Sec. 8, T. 3 N. R. 2 E., for use upon the lands lying under his ditch, for use upon 100 acres of land situated in sections 22 and 26, T. 4 N. R. 1 W. S. W., in the following amount from the following date;

From June 1, 1904. And hereby designated as Right No. 7. And hereby awarded \$11.35 costs, in addition to the costs incurred by him.

VIII.

That the defendant, the PIONEER DRAIN DITCH COMPANY, a corporation, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river near the center of NE 1/4 of NW 1/4 of Sec. 26, T. 4 N. R. 3 W. S. W., for use upon the lands lying under its canal system, in the following amounts from the following dates;

From Sept. 1, 1904. And hereby designated as Right No. 8.

From June 1, 1905. And hereby designated as Right No. 9. And hereby awarded \$18.01 costs in addition to the costs incurred by it.

IX.

That the defendant the SPOONERS CO-OPERATIVE DITCH COMPANY, a corporation, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river near the center of the NW 1/4 of Sec. 10, T. 4 N. R. 3 W. S. W., for use upon the lands lying under its canal system, in the following amount from the following date;

From June 1, 1905. And hereby designated as Right No. 10.

And hereby awarded \$40.07 costs, in addition to the costs incurred by it.

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Tom K

DATE 5/11/85

TO FILE

SUBJECT

TRANS #791 FILED IN 63-0136

DOES NOT BELONG TO THIS RIGHT

MICROFILMED

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM

JK

DATE

5/1/85

TO

FILE

SUBJECT

63 0136 UNNUMBERED TRANS-REBECA BELL
DOES NOT BELONG TO THIS
RIGHT

MICROFILMED



SIGNATURE

WORTHINGTON



THE WORTHINGTON COMPANY, INCORPORATED

SALT LAKE CITY OFFICE

1606 WALKER BANK BLDG.

January 4, 1929.

PUMPS

*Steam and Power
Direct-acting and
Centrifugal*

COMPRESSORS

Air and Gas

CONDENSERS

Surface, Jet, Barometric

FEEDWATER HEATERS

Locomotive and Stationary

OIL ENGINES

*Horizontal and Vertical
Single and Double-acting
2 and 4 Cycle
Solid and Air Injection*

GAS ENGINES

Horizontal and Vertical

METERS

Water and Oil

Mr. Geo. N. Carter
Commissioner of Reclamation
State of Idaho
Boise, Idaho.

Dear Sir:

I received your wire this morning regarding our quotation of December 31st, and have replied by wire.

I am sorry that these errors occurred in this quotation and I certainly should have caught them before sending it to you.

You are quite right in assuming that it will require 2- 75 HP motors to do this work, as with one the efficiency would have to be around 135%.

The price should have read \$2500.00 net each, including freight to Boise, Idaho, instead of \$2500.00 net.

I am sorry that these two errors occurred, and hope they have not caused you any inconvenience.

Very truly yours,

THE WORTHINGTON COMPANY, INC.

Paul E. Wilson
SALT LAKE CITY DIST. SALES

PEW:AJ

November 2, 1927

Re: Hillcrest Irrigation District

MOODY'S INVESTORS SERVICE
New York City
New York,

Gentlemen;

Attention: MR. A. W. WALLACE

In reply to your letter of October 28 relative to further information on the Hillcrest Irrigation District:

I beg to advise that I have been able to obtain the following information. This district has authorized the issuance of \$100,000.00 six per cent bonds, of which \$48,000.00 have been sold. The proceeds from the sale of these bonds were used to purchase water rights for supplying the lands in the district.

There is a delinquency in interest payment of approximately one year's interest. Assessments have been levied each year in an amount necessary to take care of the interest, but delinquencies have accumulated to the extent that last year's interest was not paid; however, the district has these outstanding assessments which, if collected, would more than pay the delinquent interest.

Very truly yours,

Assistant Commissioner
of Reclamation

MS/e

MOODY'S INVESTORS SERVICE

JOHN MOODY, President

35 Nassau Street, New York

Boston
Chicago
Los Angeles
Philadelphia

Correspondents of
MOODY'S INVESTORS SERVICE, LTD.
70 Cornhill, London, E.C.3.

MUNICIPAL DEPARTMENT

October
28th
1927

Myron Swendsen, Esq.,
Assistant Commissioner of Reclamation,
Department of Reclamation,
Boise, Idaho.

Dear Sir:

We wish to thank you for your letter of October 11
relative to the Hillcrest Irrigation District, Ada County,
Idaho.

Inasmuch as a client of ours claims that she
owns a bond of this District upon which interest due
July 1, 1927 was not paid, we are somewhat surprised to
learn from you that the authorized bond issue was never
sold, according to your records. To your knowledge, has
this District any other bonded debt aside from the proposed
\$100,000 bond issue?

Your kindness in writing to us is greatly appreciated.

Yours very truly,

MOODY'S INVESTORS SERVICE,


Municipal Specialist.

A.W. Wallace D
encl.

October 11, 1927

MOODY'S INVESTORS SERVICE,
35 Nassau Street,
New York City.

Dear Sirs:

In reply to your letter of September 29th addressed to the Department of Finance which has been referred to this Department for reply: I beg to offer the following information relative to the HILLCREST IRRIGATION DISTRICT in Ada County, Idaho.

A. E. Cunningham, whose address is Boise-Idaho, is the secretary. There are 2700 acres in the District. The District has authorized a bond issue of \$100,000.00 for the purpose of defraying expenses in connection with a certain contract which they hold with the U. S. Government through its Bureau of Reclamation for the construction of an irrigation system to serve the lands within its boundary with water for irrigation purposes. This office has no record of these bonds having been sold and so far as I know nothing is being done by the Bureau of Reclamation in the way of construction.

Very truly yours,

Assistant Commissioner
of Reclamation.

MS/tp

MOODY'S INVESTORS SERVICE

JOHN MOODY, President

35 Nassau Street, New York

Boston
Chicago
Los Angeles
Philadelphia

Correspondents of
MOODY'S INVESTORS SERVICE, LTD.
70 Cornhill, London, E.C.3.

MUNICIPAL DEPARTMENT

September
29th
1927

Department of Finance,
State House,
Boise,
Idaho.

Gentlemen:

We are endeavoring to obtain some information relative to the Hillcrest Irrigation District, Ada County, Idaho, with particular reference to the bonds of the district, and have been referred to you as the proper authority from whom to obtain this data.

We should like to know whether the bonds are in good standing and if interest and principal have been met promptly in the past. We should like a financial statement of the district and any other information which you believe might be of interest to bondholders.

Any information you can give us will be greatly appreciated.

Yours very truly,

MOODY'S INVESTORS SERVICE,

A.W. Wallace D
encl.

A.W. Wallace
Municipal Specialist.

STATE OF IDAHO
DEPARTMENT OF FINANCE
BOISE

October 8, 1927

Mr. Carter
Commissioner of Reclamation
BUILDING

Dear Sir:

I am transmitting herewith an inquiry from the Moody Investors Service, relative to the status of the Hillcrest Irrigation District in this county, for such consideration and enlightenment as you may wish to give on the subject.

Very truly yours,


COMMISSIONER OF FINANCE

EWP:BV

RECEIVED
OCT 10 1927
BUREAU OF BANKING

January 27, 1922.

Hillcrest Irrigation District,
Arthur E. Cunningham, Secy,
Boise, Idaho.

Dear Sir:

33
Some time ago we forwarded you a blank on which to fill out certain data we desire in order that our records may be brought up to date and in order that our compilation of irrigation development in Idaho may be made more accurate. As we have not received a reply, it is presumed that you have over-looked the matter or perhaps are no longer connected with the district. We are, therefore, enclosing another blank in case you have mislaid the first one and would earnestly request that you have the same filled out at your earliest convenience or else, if you are unable to supply the said information, you inform us as to where we may obtain the same.

Thanking you in advance for the same, I am

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

GBA:MB
Encl.

Assistant.

RECORDED

33

May 9, 1921.

Mr. Arthur E. Cunningham,
Secretary Hill Crest Irrigation Dist., ✓
Boise, Idaho.

Dear Sir:

Receipt is acknowledged of the list of assessment
and apportionment of benefits of lands within the Hill
Crest Irrigation District which will be duly placed on
file in this Department.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

GB4:MB

Assistant.

RECORDED

Westinghouse Electric & Manufacturing Company

Works, East Pittsburgh, Pa.

L. M. CARGO,
DISTRICT MANAGER

WALKER BUILDING,

SALT LAKE CITY, UTAH 4-10-1913.

IN REPLY PLEASE ADDRESS THE COMPANY
AND REFER TO N-5035.

F. P. King, State Engineer,
Boise, Idaho.

Dear Sir:-

Referring to your request of our Mr. Faber in connection with specifications for the Hill Crest Pumping project, and in particular to the Horse Power required for the 50 ft. lift, we have checked this up with Mr. Hill of the Worthington Co. and find that 103 horse power is required.

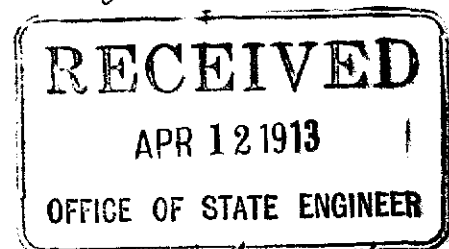
We will now take this matter up with our home office, calling for performance specifications on 103 horse power motor at the speed desired so that same may be filed in the regular way.

We are sending a copy of this letter to Mr. Faris for his information as well.

Yours very truly,

James Jones
BRANCH MANAGER.

JCJ-IER.



ALL QUOTATIONS ARE BINDING FOR 20 DAYS ONLY AND QUOTATIONS OF \$1000.00 OR OVER ARE SUBJECT TO
OUR REGULAR FORM OF PRINTED CONTRACT.
APPARATUS LISTED ON STOCK REPORTS IS SUBJECT TO PRIOR SALE.
THE NEGOTIATION NUMBER MUST BE NOTED ON ORDER TO SECURE PRICES QUOTED.

Boise, Idaho, April 5, 1913.

To the Board of Directors,
Hillcrest Irrigation District,
Boise, Idaho.

Gentlemen: --

I have gone over the plans and specifications of the Hillcrest Irrigation District carefully.

I suggested a few minor changes in the plans as originally submitted, these changes having been made, I have this day approved the plans and specifications, a copy of which will go forward to you today.

Very truly yours,


State Engineer.

K/G.

Boise, Idaho, Nov. 26, 1912.

To the Honorable, The Board of
County Commissioners of Ada County,
Boise, Idaho.

Gentlemen:--

Re: Hill Crest Irrigation District.

I have been informed that if my recommendation as to the formation of the Hill Crest Irrigation District, as given in my report of the 22nd inst., be carried out, and that the District be limited to those lands lying wholly under the 50-foot lift, that it would divide the land of some of the parties interested in said District in such a way that no benefit would accrue. I, therefore, modify my recommendation in that respect, and approve the formation of the District to include 1600 acres of land, which land is to be in one compact body.

Respectfully,

R/B

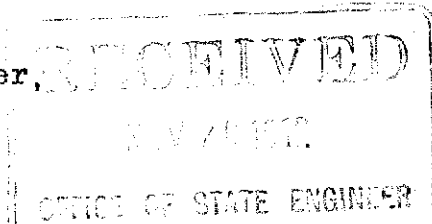
MICROFILMED

E. H. HULSER
ATTORNEY
ROOM 303 SONNA BLDG.
BOISE, IDAHO

Hillcrest Irrigation District

November 18, 1912.

Mr. A. E. Robinson, State Engineer,
Boise, Idaho.



Dear Sir:

I am informed by Mr. Cage, the Water Commissioner for Division No. 3, State of Idaho, that he has filed his recommendation in regard to the transfer of water for H. L. Randall and others. I also wish to remind you that the postponed date of hearing of the application of the parties for the formation of the Hillcrest Irrigation District will be on November 26th, and that, if convenient for you, we would appreciate having your report in this matter come in time so that you could give a definite report also upon the formation of the District.

Trusting that you will do what you can for us in this matter, I am

Very truly yours,

EHH-K

A handwritten signature in cursive script, appearing to read "E. H. Hulser".

Boise, Idaho, Nov. 23, 1912.

To the Honorable, the Board of County
Commissioners of Ada County.

Boise, Idaho.

Gentlemen:--

I beg to transmit to you herewith my
report on the Hill Crest Irrigation District,
under date of November 22, 1912.

Respectfully,

R/B

Enc. R

Office of THE STATE ENGINEER

INDEX No 33004

I. D.

33

Handwritten notes in the top left corner, possibly "Hillcrest" and "Irrigation District".

Hillcrest Irrigation District

Boise, Idaho, September 5, 1912.

To the Honorable the
Board of County Commissioners,
Boise, Idaho.

Gentlemen:--

In compliance with the request for a report relative to the formation of the Hillcrest Irrigation District, I beg to report that at this time I am not prepared to make such report, owing to the fact that the procedure for the requirement of water rights for the district has not been completed. The proposers of the district are at this time, so I am informed, taking such action as will insure water for the district and it will require 30 days more before such rights are acquired. At that time I shall make further report to your honorable body.

Respectfully submitted,

State Engineer.

R/G.

March 1, 1927

Re: NEW PENITENTIARY SITE

HONORABLE H. C. BALDRIDGE
Governor, State of Idaho
Capitol Building

My dear Governor Baldridge:

Reference is made to your request of February 19 for information relative to Sections 35 and 36, Township 3 North, Range 2 East, Boise Meridian, the same being land now in the ownership of the State and suggested as a site for a new penitentiary.

This land is included within the boundaries of the Boise-Mora Irrigation District, which district is regularly organized under the laws of Idaho.

Various plans have been under consideration for some years between this irrigation district and the United States Bureau of Reclamation, looking toward the irrigation of these lands, together with lands of an adjoining district, known as the Hillcrest Irrigation District. The two districts taken together are known as the Hillcrest Unit of the Boise Government Project.

It is my information that a contract for construction of this Unit is executed and there only remains the securing of an appropriation from Congress before the actual building of the project can be put underway.

A copy of the said contract is on file in this office and provides as follows: The two irrigation districts agree to pay \$863,000.00 to the United States for the construction of a pumping plant and necessary canals and laterals, and in addition, they must pay \$200,000.00 for the use of the power plant now constructed at the Government diversion dam above Barber. This brings the total of purely construction items up to \$1,063,000.00, or at the rate of \$75.50 per acre. There are 14,100 acres included in the two districts.

HONORABLE H. C. BALDRIDGE,

March 1, 1927

It is also necessary for the districts to acquire Arrowrock Reservoir storage rights to supplement the natural flow right now belonging to the Boise Project. The Government has allotted 23,000 acre feet of Arrowrock storage for these lands and proposes to charge \$17.20 per acre foot, or a total of \$395,600.00.

Thus the total contract cost for irrigation of the land in question is very near \$104.00 per acre and that for a water supply on a parity with the present water right for the Government Project lands, reduced by the amount that this additional demand of 23,000 acre feet will impose.

The operation and maintenance charge for the Hillcrest Unit lands will be higher than that for the gravity lands by the amount of cost of pumping the water required. I would not expect the total operation and maintenance cost to be less than \$3.00 per acre annually and it might easily reach \$4.00 per acre.

The two sections of State land suggested for a penitentiary site lie along the upper or south side of the Hillcrest Unit. Both sections will be cut by the canal, as indicated on the attached sketch. As nearly as can be determined from maps, apportionment of benefits roll and other information filed in this office by the Government and by the districts, all of which are at variance, a total of only 264 acres will lie below the canal and thus be irrigable. The irrigable acreage in each forty-acre legal subdivision is shown on the attached map. Section 36 is also cut by the Oregon Short Line Railroad with a one hundred foot right-of-way easement and by the State Highway, leading to Mountain Home, with a sixty-six foot right-of-way. So this section is pretty much sub-divided.

You will observe that the irrigable portion of Section 35 is also divided by a ridge too high to be reached by the pumping lift of eighty feet, which is planned. This high area and others might be watered by a secondary lift, pumping out of the 80-foot lift canal and thus add to the total area which can be irrigated in these two sections. How much additional land can be watered can not be determined without a field investigation. Moreover, the operation and cost of such a secondary pumping plant would likely prove unsatisfactory.

Upon consulting the State Land Department's records, I find that six forty-acre legal subdivisions in Section 36 and one in Section 35, as indicated on map, are now held on State Sales' Certificates, which are in good standing.

HONORABLE H. C. BALDRIDGE,

March 1, 1927

It has been suggested to me that the State might proceed to build the necessary pumping plant and provide these lands with irrigation water and thus not be dependant upon building of the Hillcrest Unit by the Federal Government, inasmuch as there is considerable uncertainty as to when Congress will appropriate money for this project.

To accomplish this would require; first, the elimination of the land from the Boise-Mora Irrigation District; second, procurement of water for the land and a right to carry same in the New York Canal; and third, installation of pumping machinery and pipe line and construction of necessary canals.

I have not inquired into the question of securing a release of the land from the Boise-Mora Irrigation District.

Providing a suitable water right can be located, which is for sale and could be transferred to this land, it would cost, at the going sale values of water in the Boise Valley, approximately \$7,500.00. Such a right, however, if of comparatively early priority, would be superior to the Boise Project water rights.

For the purpose of preliminary consideration, I have figured the cost of pumping plant, pipe line and canals at \$24,000.00. Thus, the total cost would be approximately \$31,500.00 and the rate per acre for 250 irrigable acres - \$126.00. The higher per acre cost is brought about by the comparatively small size of the pumping unit.

Such a plant, if built by the State, would of necessity secure power for operation of the pumps from the Idaho Power Company under their published tariffs. On the basis of their prevailing schedule of power rates, the annual charge for operation of this plant would be \$1,900.00, or at the rate of \$7.50 per acre.

All things considered, I believe it would be found more satisfactory to participate in the building of the Project by the Government than to attempt to release the land from the irrigation district organization and proceed to provide it with irrigation water independently. This land is so located that an independent plant must have a lift of at least 80 feet, as proposed by the Government, to irrigate any material part of it. Increasing such a lift to 100 feet might water a considerable larger acreage.

Page 4

HONORABLE H. C. BALDRIDGE,

March 1, 1927

The foregoing is the result of study and consideration of data readily available. If you desire further or more detailed information upon any of the phases of this plan for a new penitentiary site, I will attempt to give it to you upon request.

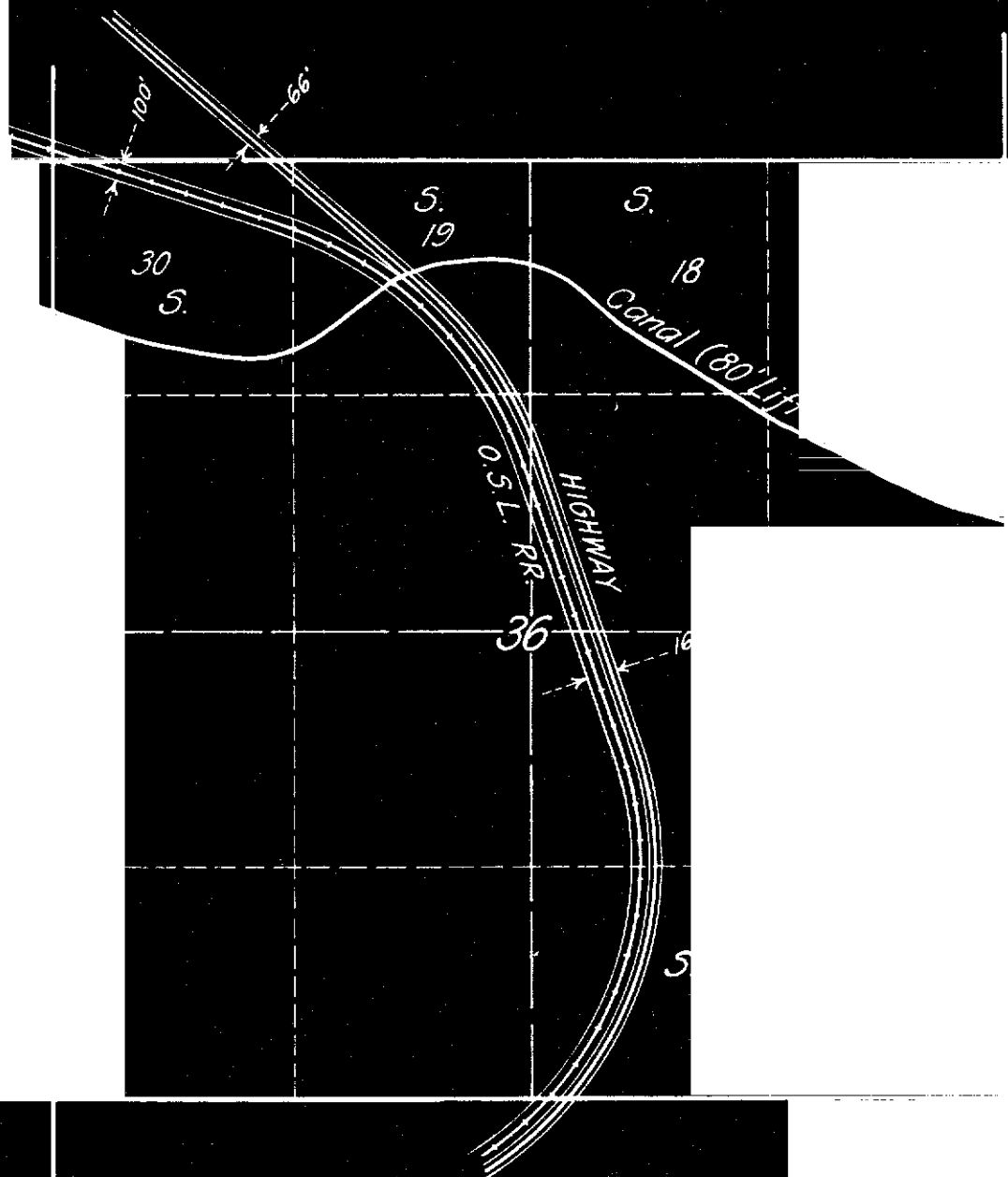
Respectfully yours,

(Signed) GEO. H. CARLSON

Commissioner of Reclamation

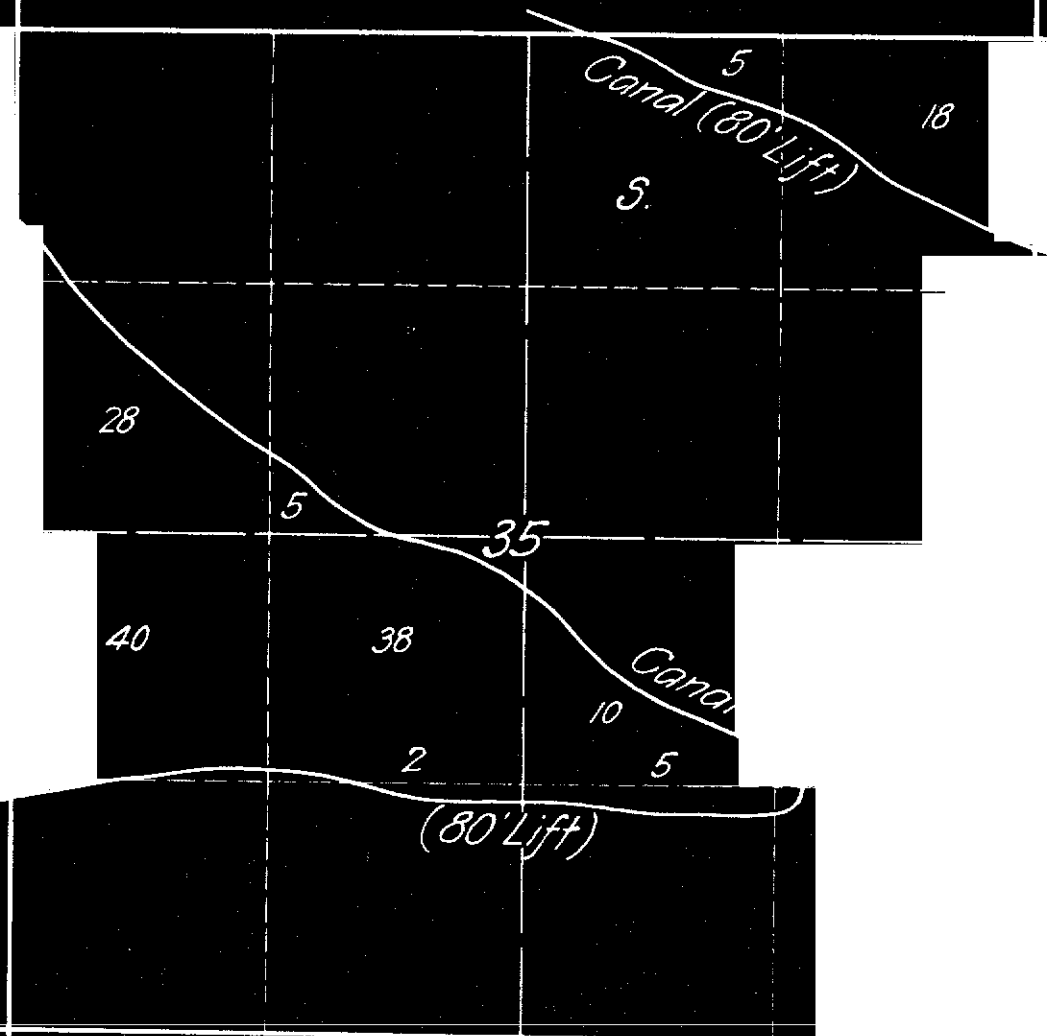
GNC:R
Enclosure

Note: - S = Land held under State Sales Certificate.
18 = Irrigable Area in Subdivision.



Map of Section 36
T.3N., R.2E., B.M., IDA
Scale: - 1 Inch = 1000 Feet.

Note: - S. = Land held under State Sales Certificate.
28 = Irrigable Area in Subdivision.



Map of Sec. 35
T.3N., R.2E., B.M., IDA.
Scale: - 1 Inch = 1000 Feet.

STATE OF IDAHO
COUNTY OF BLAINE

Almyra Cashman, wife of the late Richard P. Cashman

being first duly sworn, each for himself and not one for the other, deposes and says that.....she.....have this day bargained, sold and transferred unto E. L. Clark, Trustee, ...
100
.....inches of water, measured under 4-inch pressure, said water-right being appurtenant to the following described land, to-wit: E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec 23 and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec 14 T4N R4W B.M. As evidenced by the decreedated January 18, 1906, in the case entitled The Farmers' Co-operative Ditch Company, a corporation, Plaintiff, versus The Riverside Irrigation District, Limited, a corporation et al, Defendants, brought in the district court of the Seventh Judicial District of the State of Idaho.

That said vendee and his associates intend to change the point of diversion as described in said decree to the following described point, to-wit: To a point on the Boise River in Section Three(3), Township Two North(Twp 2 N), Range Three East(R 3 E), B. M., That no one will be injured by such change, and that said deponents consent to said change and hereby join with said purchasers in petitioning the State Engineer for the State of Idaho for a certificate, authorizing the purchasers to transfer the use of said waters to the new point of diversion as indicated above.

And further deponents sayeth not.

Almyra Cashman

Subscribed and sworn to before me this 13th day of August, 1912.

Notary Public.

My commission expires Jan 14-1913

I.
Cashman



STATE OF IDAHO
COUNTY OF Campana } ss.

...James Moreland and Lenna L. Moreland...his...wife.....

being first duly sworn, each for himself and not one for the other, deposes and says that..they.....have this day bargained, sold and transferred unto E. L. Clark, Trustee,.....
.....374,5/10.....inches of water, measured under 4-inch pressure, said water-right being appurtenant to the following described land, to-wit:.....~~1/4~~ of NE 1/4 of Sec. 14: NW 1/4 of NE 1/4 of Sec. 14. SE 1/4 of NW 1/4 of Section 14. N 1/4 of SW 1/4 of Sec 14 and NW 1/4 of SE 1/4 of Sec. 14 also Lot 10.... in Sec 12 and the E 1/2 of the NE 1/4 of Sec 13 all in T. 4 N. R. 4 W. B.M., the same being 398 acres of land.....

As evidenced by the decree dated January 18, 1906, in the case entitled The Farmers' Co-operative Ditch Company, a corporation, Plaintiff, versus The Riverside Irrigation District, Limited, a corporation et al, Defendants, brought in the District Court of the Seventh Judicial District of the State of Idaho.

That said vendee and his associates intend to change the point of diversion as described in said decree to the following described point, to-wit: To a point on the Boise River in Section Three(3), Township Two North(Twp 2 N), Range Three East (R 3 E), B.M., That no one will be injured by such change, and that said deponents consent to said change and hereby join with said purchasers in petitioning the State Engineer for the State of Idaho for a certificate, authorizing the purchasers to transfer the use of said waters to the new point of diversion as indicated above.

And further deponents sayeth not.

.....James E. Moreland.....
.....Lenna L. Moreland.....
.....
.....

Subscribed and sworn to before me this.....day of August.....1912.

Notary Public.

My commission expires.....Jan 14 1913.....

II

Morland



STATE OF IDAHO

COUNTY OF *Boyer*...

ss.

W...C...Stalker and Mary Stalker his wife.....

being first duly sworn, each for himself and not one for the other, de-
poses and says that....they.....have this day bargained,
sold and transferred unto E. L. Clark, Trustee,.....
.....50.....inches of water, measured under 4-inch pressure,
said water-right being appurtenant to the following described land, to-
wit:.....a..part..of..the..NE¹..of..Sec..Six..T..4..N..R..4..W..B.M.....

As evidenced by the decree dated January 18, 1906, in the case entitled
The Farmers' Co-operative Ditch Company, a corporation, Plaintiff, versus
The Riverside Irrigation District, Limited, a corporation et al, Defend-
ants, brought in the District Court of the Seventh Judicial District of
the State of Idaho.

That said vendee and his associates intend to change the point of
diversion as described in said decree to the following described point,
to-wit: To a point on the Boise River in Section Three(3), Township Two
North(Twp 2 N), Range Three East (R 3 E), B.M., ~~That no one will be in-~~
~~jured by such change,~~ and that said deponents consent to said change and
hereby join with said purchasers in petitioning the State Engineer for the
State of Idaho for a certificate, authorizing the purchasers to transfer
the use of said waters to the new point of diversion as indicated above.

And further deponents sayeth not.

W.C. Stalker
Mary L. Stalker
.....
.....

Subscribed and sworn to before me this.....15th.....day of *August*.....1912.

V. W. Madden
Notary Public.

My commission expires.....*May 15*.....1913.....

III
Harker



STATE OF IDAHO)
COUNTY OF Canyon) ss.

...Silas W. Vail and Amanda Vail his wife and A. Ballantyne and ...
his wife Edna Ballantyne

being first duly sworn, each for himself and not one for the other, deposes and says that.....they.....have this day bargained, sold and transferred unto E. L. Clark, Trustee,.....Two Hundred (200) -----
.....inches of water, measured under 4-inch pressure, said water-right being appurtenant to the following described land, to-wit:.....Lots Seven and Eight (7 and 8) of Sec 18 in T.4 N. R 3 W. B.M. and the SE $\frac{1}{4}$ of Sec 13 T. 4 N. R. 4 W. B.M., excepting the lands described in that one certain deed recorded in Book 50 of deeds at page 362 of the records of Canyon County. As evidenced by the decree dated January 18, 1906, in the case entitled The Farmers' Co-operative Ditch Company, a corporation, Plaintiff, versus The Riverside Irrigation District, Limited, a corporation et al, Defendants, brought in the District Court of the Seventh Judicial District of the State of Idaho.

That said vendee and his associates intend to change the point of diversion as described in said decree to the following described point, to-wit: To a point on the Boise River in Section Three(3), Township Two North(Twp 2 N), Range Three East (R 3 E), B.M., That no one will be injured by such change, and that said deponents consent to said change and hereby join with said purchasers in petitioning the State Engineer for the State of Idaho for a certificate, authorizing the purchasers to transfer the use of said waters to ^{other lands from the new point} the new point of diversion as indicated above.

And further deponents sayeth not.

Silas W. Vail
.....
Amanda Vail
.....
A. Ballantyne
.....
Edna Ballantyne
.....

Subscribed and sworn to before me this.....20th.....day of.....July.....1912.

Henry J. H.
Notary Public.

My commission expires.....Oct. 25, 1915.....



Vale and
Ballymore

STATE OF IDAHO }
COUNTY OF ..Canyon..... } ss.

John R. Mammen and Julia Mammen, his wife

being first duly sworn, each for himself and not one for the other, deposes and says that.....they.....have this day bargained, sold and transferred unto E. L. Clark, Trustee,.....
468
.....inches of water, measured under 4-inch pressure, said water-right being appurtenant to the following described land, to-wit: Lots 7, & 8 of Sec 25; the SE¹ and the S¹/₂ of the SW¹/₄ and Lots 5, 6, 7, 8, and 9 of Sec 26; also Lots 1, 2, and 3 of Sec 27 T. 5 N. of R. 5 W. B.M....

As evidenced by the decree dated January 18, 1906, in the case entitled The Farmers' Co-operative Ditch Company, a corporation, Plaintiff, versus The Riverside Irrigation District, Limited, a corporation et al, Defendants, brought in the District Court of the Seventh Judicial District of the State of Idaho.

That said vendee and his associates intend to change the point of diversion as described in said decree to the following described point, to-wit: To a point on the Boise River in Section Three(3), Township Two North(Twp 2 N), Range Three East (R 3 E), B.M., That no one will be injured by such change, and that said deponents consent to said change and hereby join with said purchasers in petitioning the State Engineer for the State of Idaho for a certificate, authorizing the purchasers to transfer the use of said waters to the new point of diversion as indicated above, up & delivery of said deed
And further deponents sayeth not.

John R. Mammen
Julia Mammen

Subscribed and sworn to before me this.....day of August.....1912.

Notary Public.

My commission expires.....1913.....

IV Mannen



STATE OF IDAHO
COUNTY OF (Benjamin) ss.

Said Sophia B. Kress and Fredrick Kress

being first duly sworn, each for himself and not one for the other, deposes and says that.....they.....have this day bargained, sold and transferred unto E. L. Clark, Trustee, ...

.....100.....inches of water, measured under 4-inch pressure, said water-right being appurtenant to the following described land, to-wit: The Fractional SW¹/₄ of Sec 17, in T. 4 N. R. 3 W. B.M. containing 155.65 acres As evidenced by the decreedated January 18, 1906, in the case entitled

The Farmers' Co-operative Ditch Company, a corporation, Plaintiff, versus The Riverside Irrigation District, Limited, a corporation et al, Defendants, brought in the district court of the Seventh Judicial District of the State of Idaho.

That said vendee and his associates intend to change the point of diversion as described in said decree to the following described point, to-wit: To a point on the Boise River in Section Three(3), Township Two North(Twp 2 N), Range Three East(R 3 E), B. M., That no one will be injured by such change, and that said deponents consent to said change and hereby join with said purchasers in petitioning the State Engineer for the State of Idaho for a certificate, authorizing the purchasers to transfer the use of said waters to the new point of diversion as indicated above.

And further deponents sayeth not.

Sophia B Kress
Fredrick Kress

Subscribed and sworn to before me this.....24th.....day of.....August....., 1912.

(William Anderson)
Notary Public.

My commission expires.....24th of Aug. 1913.....

VII

Kress



STATE OF IDAHO

COUNTY OF

Figure 1

..Silas W. Vail..and..Amelia Vail.....

being first duly sworn, each for himself and not one for the other, de-
posed and says that....they.....have this day bargained,
sold and transferred unto E. L. Clark, Trustee,.....
120
.....inches of water, measured under 4-inch pressure,
said water-right being appurtenant to the following described land, to-
wit:.....The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 13, T. 4, N. of...
Range Four West of the B.M.

As evidenced by the decree dated January 18, 1906, in the case entitled The Farmers' Co-operative Ditch Company, a corporation, Plaintiff, versus The Riverside Irrigation District, Limited, a corporation et al, Defendants, brought in the District Court of the Seventh Judicial District of the State of Idaho.

That said vendee and his associates intend to change the point of diversion as described in said decree to the following described point, to-wit: To a point on the Boise River in Section Three(3), Township Two North(Twp 2 N), Range Three East (R 3 E), B.M., That no one will be injured by such change, and that said dependents consent to said change and hereby join with said purchasers in petitioning the State Engineer for the State of Idaho for a certificate, authorizing the purchasers to transfer the use of said waters to the new point of diversion as indicated above.

and further depends sayeth not.

08. Elias W. Vail
Amanda Vail

Subscribed and sworn to before me this.....22.....~~day~~ of August, 1912.

Notary Public.

My commission expires

Notar
Jury 42 1912

Lee Vail

~~IV~~.



STATE OF IDAHO }
COUNTY OF *Canyon* } ss.

William C. Osburn and
Julma Osburn his wife

being first duly sworn, each for himself and not one for the other, deposes and says that.....*they*.....have this day bargained,

sold and transferred unto E. L. Clark, Trustee,.....

Sixty five.....inches of water, measured under 4-inch pressure,

said water-right being appurtenant to the following described land, to-

All of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp 4 N., Range 3 W., B.M.,
wit: excepting therefrom eight acres as follows: Beginning at the NW corner
of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and running thence south 59° 30' east 552 feet to
a stone; thence south 80° 45' east 838 feet; thence north 400 feet to a
balm tree on the south bank of a slough; thence easterly along the slough
to the east line of the said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence north to the NE corner
of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence west a quarter of a mile to the place of
beginning.....

As evidenced by the decree dated January 18, 1906, in the case entitled
The Farmers' Co-operative Ditch Company, a corporation, Plaintiff, versus
The Riverside Irrigation District, Limited, a corporation et al, Defendants
brought in the district court of the Seventh Judicial District of the
State of Idaho.

That said vendee and his associates intend to change the point of
diversion as described in said decree to the following described point,
to-wit: To a point on the Boise River in Section Three (3), Township Two
North (Twp 2 N), Range Three East (R 3 E), B. M., That no one will be in-
jured by such change, and that said deponents consent to said change and
hereby join with said purchasers in petitioning the State Engineer for the
State of Idaho for a certificate, authorizing the purchasers to transfer
the use of said waters to the new point of diversion as indicated above.

And further deponents sayeth not.

William C. Osburn.....
Julma Osburn.....
.....
.....

affirmed
Subscribed and sworn to before me this.....*29th*.....day of.....*August*.....1912.

M. M. Menden
Notary Public.

My commission expires.....*January 14*.....1913.....

STATE OF IDAHO

COUNTY OF Canyon.....

ss.

.....J. E. Moreland.....
.....

being first duly sworn, each for himself and not one for the other, de-
poses and says that.....he has.....~~have this day~~ bargained,

sold and transferred to W. L. Clark, Trustee,.....Twenty.....

(20) ~~square~~ inches of water, measured under 4-inch pressure,

said water-right being appurtenant to the following described land, to-

wit: SW 1/4 of SW 1/4 of Sec 11 T4 N R 4 W B M.....

Idaho.....
.....
.....

As evidenced by the decree dated January 18, 1906, in the case entitled
The Farmers' Co-operative Ditch Company, a corporation, Plaintiff, vs.
The Riverside Irrigation District, Limited, a corporation et al, Defendant,
brought in the district court of the Seventh Judicial District of the
State of Idaho.

That said vendee and his associates intend to change the point of
diversion as described in said decree to the following described point,
to-wit: To a point ~~on~~ the Boise River in Section Three (3), Township Two
North (Twp 2 N), Range Three East (R 3 E), B. M., That no one will be in-
jured by such change, and that said deponents consent to said change and
hereby join with said purchasers in petitioning the State Engineer for the
State of Idaho for a certificate, authorizing the purchasers to transfer
the use of said waters to the new point of diversion as indicated above.

And further deponents sayeth not.

.....J. E. Moreland.....
.....
.....

Subscribed and sworn to before me this 28.....day of Oct.....1912.

.....[Signature].....
Notary Public.

My commission expires.....

STATE OF IDAHO

COUNTY OF

Canyon

ss.

Perry Duffington

being first duly sworn, each for himself and not one for the other, deposes and says that

have this day bargained, sold and transferred unto E. L. Clark, Trustee,

Fourteen inches of water, measured under 4-inch pressure,

said water-right being appurtenant to the following described land, to-wit:

All that portion of Lots six and seven of Sec.

T 4 N R 4 W B M lying north and east of

the Riverside Canal

As evidenced by the decree dated January 18, 1906, in the case entitled

The Farmers' CO-operative Ditch Company, a corporation, Plaintiff, vs.

The Riverside Irrigation District, Limited, a corporation et al, Defendant,

brought in the district court of the Seventh Judicial District of the

State of Idaho.

That said vendee and his associates intend to change the point of diversion as described in said decree to the following described point, to-wit: To a point on the Boise River in Section Three(3), Township Two North (Twp 2 N), Range Three East(R 3 E), B. M., That no one will be injured by such change, and that said deponents consent to said change and hereby join with said purchasers in petitioning the State Engineer for the State of Idaho for a certificate, authorizing the purchasers to transfer the use of said waters to the new point of diversion as indicated above.

And further deponents sayeth not.

Perry Duffington

Subscribed and sworn to before me this 6th day of November 1912.

Notary Public.

My commission expires Jan 14 1913

STATE OF IDAHO,)
) ss.
COUNTY OF CANYON.)

Silas W. Vail being first duly sworn deposes and says:

That he and A. Ballantyne had prior to the 19th day of July, 1912, purchased and received the transfer of the following described property from James F. McIntyre and wife, Mabel McIntyre, to-wit:

~~Two~~ ^{Three} Hundred (300) inches of water, measured under four-inch pressure, said water being a part of the water decreed to the lands under the Pioneer Dixie Ditch Company's canals by that certain decree dated January 18, 1906, by George H. Stewart, and filed January 20, 1906, in Book 2 of Judgments, at Page 276-308, inclusive, of the District Court Records in and for the county of Canyon; it being the intent of this instrument to convey the first right to two hundred inches of water, measured under four-inch pressure, as awarded by said decree to the pieces and parcels of land, to-wit: Lots Seven and Eight (7 and 8) of Section Eighteen (Sec. 18) in Twp. Four North (4 N) of Range Three West (R 3 W), B.M. and the southeast quarter (SE $\frac{1}{4}$) of Section Thirteen (Sec. 13), Twp. Four North (4N) of Range Four West (R 4 W), B.M., excepting the lands described in that one certain deed recorded in Book 50 of Deeds, at Page 362 of the Records of Canyon County. Said property to be conveyed free of every encumbrance of every kind and nature whatsoever, with the privilege of transferring the same to other lands if desired by the said second party, his heirs or assigns;

And that said property is the same property which was later transferred by said Silas W. Vail and A. Ballantyne to E. L. Clark, Trustee.

Silas W. Vail

Subscribed and sworn to before me this.....6th.....

.....day of...November....., 1912.

A. E. Madden
Notary Public.

STATE OF IDAHO

COUNTY OF

Canyon

SS.

..... John E. Pres. president of the Caldwell
Commercial Bank, ...

being first duly sworn, each for himself and not one for the other, de-
poses and says that ~~The Caldwell Commercial Bank~~ *has this day bargained,*
and agreed to ~~sell~~ and transferred unto H. S. Mark, Trustee, *Thirty seven and one half*
(37 1/2) inches of water, measured under 4-inch pressure,

said water-right being appurtenant to the following described land, to-
wit: *A portion of the W 1/2 of the NW 1/4 Sec 20 T. 4 N. R. 3 W*
B.M. Idaho

As evidenced by the decree dated January 18, 1906, in the case entitled
The Farmers' Co-operative Ditch Company, a corporation, Plaintiff, vs.
The Riverside Irrigation District, Limited, a corporation et al, Defendant,
brought in the district court of the Seventh Judicial District of the
State of Idaho.

That said vendee and his associates intend to change the point of
diversion as described in said decree to the following described point,
to-wit: To a point on the Boise River in Section Three (3), Township Two
North (Twp 2 N), Range Three East (R 3 E), S. E., That no one will be in-
jured by such change, and that said deponents consent to said change, *when said transfer shall have been made*
and hereby join with said purchasers in petitioning the State Engineer for the
State of Idaho for a certificate, authorizing the purchasers to transfer
the use of said waters to the new point of diversion as indicated above.
when said transfer shall have been completed.
And further deponents sayeth not.

..... *John E. Pres.*

Subscribed and sworn to before me this *6th* day of *Nov.* 1912.

C. H. Sloan
Notary Public.

My commission expires *June 28, 1915*

STATE OF IDAHO,)
) ss.
COUNTY OF ADA.)

E. L. Clark, being first duly sworn, deposes and says:

That he holds the title to the water rights set forth in the application for the transfer of water rights of H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth and John Daly, and that he holds said title as Trustee for the benefit of said parties as a co-partnership, and that said affiant is at this time and has prior hereto held said title for uses and benefits of said applicants, for irrigation purposes upon lands in Canyon County and for the purpose of joining with said co-partners in the transfer of said water rights from the lands as set forth in said application ~~to~~ to a new point of diversion as set out in the said application, said application being at this time in the hands of the water commissioner of the Boise River District; and that said H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth and John Daly are the real owners of said water rights and are the real parties in interest in making said application for the transfer of said water rights.

E. L. Clark

Subscribed and sworn to before me this... 6th
.....day of... November, 1912.

E. H. Hulse

Notary Public.

STATE ENGINEER OF THE STATE OF IDAHO.

In the Matter of the Application }
of H. L. Randall, et al, for }
the transfer of water right. }

PROTEST.

To Hon. A. E. Robinson, State Engineer of
the State of Idaho, and Hon. John W. Cags, Water Mas-
ter for the Third Division of the State of Idaho:

The undersigned, on behalf of the com-
panies whose names are herunto attached, and on be-
half of its stockholders and users of water from the
canals of said companies, respectfully protest against
the granting of a certificate to H. L. Randall, E.
L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark,
W. T. Booth, and John Daly, or either of them, or any
other persons, authorizing them to transfer the use
of 1545 inches measured under a four inch pressure,
being 30.9 cubic feet per second, of the water of
Boise River, or any other amount of water thereof,
from that certain land upon which said water is now
used to the land to which it is proposed to be trans-
ferred. Said lands upon which said water is now
used, and the lands to which the use thereof is pro-
posed to be transferred, are specifically described
in a certain "Notice of Proposed Transfer of Water
Right" published in the Caldwell Tribune, a newspaper
published at Caldwell, Idaho, in the issues of Sep-

tember 20th to October 25th, inclusive, a copy of said notice, marked Exhibit "A", being attached hereto and made a part of this protest.

All of the undersigned companies use and are entitled to use the waters of Boise River, the ^{dates of the} priorities of said rights having been determined by decree of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, in the case of Farmers' Co-operative Ditch Company vs. Riverside Irrigation District, Limited,

et al, dated January 13, 1906, which decree has been vacated by the Supreme Court of Idaho, and said cause is still pending and no final judgment has been entered thereon.

That these protestants will be injured by such transfer for the following reasons:

1. That the said water rights sought to be transferred are not decreed water rights, as required by Section 3264 of the Idaho Revised Codes, *and neither petitioners nor their predecessors in interest acquired the same by license from the State Engineer of Idaho as provided by Sec. 3264 R.S. Idaho.*
2. That until said water rights are finally decreed by the court, it can not be determined to what amount of water the said petitioners asking for said transfer are entitled; and they should not be granted a permit to transfer the amount asked for, for the reason that when a final decree is rendered in the action of Farmers' Co-operative Ditch Company, plaintiff, vs. Riverside Irrigation District, Limited, et al, defendants, now pending in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, for a new trial, the

said water rights of said applicants may be reduced by the Court to an amount less than the amount now sought to be transferred.

3. That the lands from which said water is sought to be transferred lies several miles below and down the Boise River from the lands under the canal of these protestants; that almost all the water necessary for the irrigation of said lands of said applicants from which said water is sought to be transferred, is return water returning to Boise River between said lands and the point of diversion of protestant's canal; and that these protestants and the other users of water from said Boise River between the present point of diversion of said water and the point to which it is proposed to divert said water are entitled to the first use of said water; that said applicants can secure water for their said lands, even though no water be turned down to them in Boise River at or near the point of diversion of protestants' canals; that by diverting said water from Boise River at the point at which the diversion is proposed to be changed will injure these protestants by reducing the amount of water in Boise River from which they must draw their supply.

4. That said applicants have no right, title or interest in said water which can be transferred to the lands which it is proposed to transfer it.

5. That by transferring said water the water remaining in said River, and from which these protestants must receive their supply, will be subject to a greater percent of loss by seepage and evaporation.

THIS PROTEST is based upon the affidavits attached hereto and presented herewith.

PIONEER IRRIGATION DISTRICT

By J. M. Thompson
J. E. Buchner
Its Attorneys.

PARDNER'S CO-Operative Ditch Company,

By R. B. Scattiday
Its Attorney.

NARPA-MERIDIAN IRRIGATION DISTRICT

By August W. Choy
Its Attorney.

Henry W. Dorman

By J. M. Thompson

J. E. Buchner

R. B. Scattiday

Its Attorneys.

APPLICATION FOR THE TRANSFER OF WATER RIGHT.

STATE OF IDAHO,)
) ss.
COUNTY OF ADA.)

H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth, John Daly, each being first duly sworn, and each for himself and not one for the other, depose and say:

That their names are H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth, John Daly; that they are of lawful age, citizens of the United States and of the State of Idaho, and that their post office address is Boise, Idaho; that they are the owners and using a certain water right of Thirty and 9/10ths (30.9 cu. ft.) cubic feet per second, being Fifteen Hundred (1545 in.) and Forty-five inches of water measured under 4-in. pressure of the waters of Boise River, county of Canyon, state of Idaho, decreed to the lands lying under the Pioneer Dixie Ditch Company's canal system, and to the lands owned and held by John R. and Julia Mammen, and to the lands lying under the American Ditch Association's canals, by decree of Judge George H. Stewart, Judge of the Seventh Judicial District of the state of Idaho, in and for the county of Canyon, in the case of the Farmer's Cooperative Ditch Company, Plaintiff, vs. The Riverside Irrigation District, et al, Defendants; said decree bearing date of January 18, 1906.

For the purpose of irrigating the following described lands, situated, lying and being in the county of Canyon and state of Idaho, to-wit: 468 in. of water measured under 4-in. pressure, decreed as above to John R. and Julia Mammen, appurtenant to and used upon Lots Seven (7) and Eight (8) Section Twenty-five (Sec. 25); the southeast quarter (SE $\frac{1}{4}$) and the south one-half (S $\frac{1}{2}$) of the southwest quarter (SW $\frac{1}{4}$) and Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), of Section

Twenty-six (Sec. 26), Lots One (1), Two (2), Three (3) of Section Twenty-seven (Sec. 27), all in Township Five North (Twp. 5 N), Range Five West (R 5 W), B.M.

1,017 inches of water measured under four inch pressure, decreed as above to the lands under the Pioneer Dixie Ditch Company canals, and appurtenant and used upon the following described lands as follows:

100 inches of water measured under four inch pressure upon the east one-half ($E\frac{1}{2}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section Twenty-three (23) and the East One-half ($E\frac{1}{2}$) of the southeast quarter ($SE\frac{1}{4}$) of Section 14, Township 4 North, Range 4 W., B.M.:

374 $1/2$ inches of water measured under four inch pressure upon the East One-half ($E\frac{1}{2}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section 14, and the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 14, and the southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section 14, and the North One-half ($N\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section 14, and the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 14; also Lots Ten (10) in Section Twelve (12) and the East One-half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 13, all in Township 4 N. Range 4 W., B. M.;

200 inches measured under 4-in. pressure upon Lots Seven (7) and Eight (8) of Section 18, in Township 4 North, Range 3 W., B. M., and the Southeast Quarter ($SE\frac{1}{4}$) of Section 13, Township 4 North, Range 4 W., B.M., excepting the lands described in that one certain deed recorded in Book 50 of Deeds at Page 362 of the records of Canyon County, said portion excepted being a strip of land 104 feet in width off the south side of the southwest quarter ($SW\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$) of Section 18, Township 4 north, Range 3 W., and a strip of land 104 feet in width off the south side of the southeast quarter ($SE\frac{1}{4}$) of Section 13, Township 4 N., Range 4 W., B.M., more particularly described as follows to-wit: Beginning at the southeast corner of the southwest

quarter ($SW\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$) of Section 18, Township 4 North, Range 3 W., B. M.; running thence 104 feet north; thence west to the center line of Section 13, Township 4 North, Range 4 W., B.M.; thence south 104 feet to the south line of section 13; thence east to the point of beginning, being a strip of land deeded to the Riverside Irrigation District;

100 inches measured under 4-in. pressure upon the fractional southwest quarter ($SW\frac{1}{4}$) of Section 17, Township 4 N., Range 3 W., B.M. containing 155.65 acres;

120 inches of water measured under 4-in. pressure upon the southwest quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the west One-half ($W\frac{1}{2}$) of the southwest quarter ($SW\frac{1}{4}$) of Section 13, Township 4 N., of Range 4 W., B.M.;

65 inches of water measured under 4-in. pressure upon all of the northeast quarter ($NE\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$) of Section 18, Township 4 North, Range 3 W., B.M., excepting therefrom 8 acres as follows: Beginning at the northwest corner of said northeast quarter ($NE\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$) and running thence south 59 30' east 552 feet to a stone; thence south 80 45' east 838 feet; thence north 400 feet to a palm tree on the south bank of a slough; thence easterly along the slough to the east line of the said northeast quarter ($NE\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$); thence north to the northeast corner of said northeast quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$); thence west a quarter of a mile to the place of beginning; and upon

57 $\frac{1}{2}$ inches measured under 4-in. pressure upon the following tract: $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of Sec. 20, Twp. 4 N. R. 3 W., B.M., save and except the following piece and portion of land which has been heretofore conveyed by the first parties herein; -- Commencing at a point 25 ft. W. of the SE corner of the $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ of Sec. 20, Twp. 3 N. R. 4 W. thence due N to the center line of the canal of the Riverside Irrigation District; thence Wrlly along the center line of said canal to the W.

boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; thence S on said W boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; to the SW corner of the said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; thence E at right angles on the Southern boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20, to the place of beginning; and upon other lands as follows: The southwest quarter of the southwest quarter of Section Eleven, Township Four N., Range Four West, B.M.

60 inches of water measured under 4-in. pressure decreed as above to the lands under the American Ditch Association's canals as follows:

50 inches of water under 4-in. pressure upon Lot Two (2), or the northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Six (Sec. 6) Township Four North of Range Four West B.M. (Lot, Sec. 6 T. 4 N. R. 4 W. B.M.);

10 inches of water measured under 4-in. pressure upon lands as follows: All that portion of Lots Six and Seven of Section Six, Twp. Four N., Range Four W., B. M. lying north and east of the Riverside Canal, said last above 10 and 50 inches being represented by certificate of stock in American Ditch Association Company's canals.

And that we are the persons who have become the owners of the above mentioned and described water rights by conveyances and deeds as per abstracts of title of said water right hereto attached and made a part of this statement.

That said waters are now diverted from said stream as follows:

90 inches of the Hammen water from the south side of the Boise River in Section Twenty-five (Sec. 25), Twp. 5 North, Range 5 W., B.M. and 210 inches of the John R. Mammen water is diverted from the Boise River at a point at the northwest corner of Section Thirty-six (Sec. 36), Twp. 5 North, Range 5 W., B.M., and 123 inches of the Julia Mammen water as decreed above is diverted from the Boise River at a point in the northwest corner of Section Thirty-six (Sec. 36) Twp. 5 North, Range 5 W., B.M.;

That the 1,017 inches of the Pioneer Ditch Company's water is diverted from a point on the south side of the Boise River near the center of the northeast quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 20, Twp. 4 North, Range 3 W., B.M.;

That the 60 inches under the American Ditch Association canal is diverted from the south bank of the Boise River at or near the southeast corner of the southwest quarter (SW $\frac{1}{4}$) of Section 16, Twp. 4 N. Range 3 W., B.M.

And that the Mammen water as above described is conducted to and upon the above described lands by private ditches; that the waters under the Pioneer Dixie Ditch Company's canals as described above are conducted upon the above described lands through the canals of the Pioneer Dixie Ditch Company; and that the waters mentioned above as diverted by the American Ditch Association are conveyed upon the above described lands by the canals of the American Ditch Association; that affiants and petitioners desire to abandon the use of said fifteen hundred and forty-five inches of water upon the above described land and to convey and use same upon the following tract, situate, lying and being in the county of Ada, State of Idaho, to-wit: the lands under the proposed Hillcrest Irrigation District; Namely, All of the Southwest quarter of Section Twenty-six, south of the Government Canal; the south half of the southeast quarter and the east half of the northwest quarter of the southeast quarter of Section Twenty-six; the west half of Section Thirty-four; the southeast quarter of Section Thirty-four, and the south half of the northeast quarter and the northwest quarter of the northeast Quarter of Section Thirty-four; the north half of Section Thirty-three, and the north half of the southeast quarter of Section Thirty-three; all of Section Twenty-seven south of the Government Canal; the south half of Section Twenty-eight and the south half of the northeast quarter of Section Twenty-eight; the northwest quarter of Section Twenty-eight; the east half of the southwest quarter and the southwest quarter of the southwest quarter of Section

Twenty-nine; the southeast quarter of Section Twenty-nine, and the south half of the northeast quarter of Section Twenty-nine; and all that portion of the northwest quarter of the northeast quarter of Section Twenty-nine south of the Government Canal; and all that portion of the east half of Section Thirty east of the Government Canal; the Northeast quarter of Section Thirty-two, and the north half of the southeast quarter of Section Thirty-two; the south half of the northwest quarter of Section Thirty-two and all of that portion of the north half of the northwest quarter of Section Thirty-two lying east and south of the Government Canal; all of the southeast quarter of the northeast quarter of Section Thirty-one; all in Township Three N., Range Two E., B.M., Ada County, Idaho.

That the new point of diversion will be the diversion point on the Boise River where the waters are diverted by the Government Canal, said point of diversion being located in the northwest corner of the southwest quarter of Section Three, Township Two North, Range Three East, B.M., Ada County, Idaho. A map showing the canal system of the proposed Hillcrest Irrigation District is filed herewith and made a part of this application.

That their reasons for desiring to make such a transfer are as follows:

That they are the principal owners of the lands within the above mentioned proposed irrigation district, and that these lands are arid in character, and because of their location are extremely valuable after being watered; that arrangements have been fully completed whereby water can be conveyed through the New York Canal to a point from which the water may be pumped to the lands under said proposed Hillcrest Irrigation District; that the lands from which these waters are taken are of little value and the water alone is of more value for use on the lands to which it will be transferred than land and water in their present location; that they intend to divert and convey said fifteen hundred

and forty-five inches of water to the tract of land last above described in the following manner, to-wit: By diverting the same from the Boise River through the Government Canal to a point bordering upon said proposed Hillcrest Irrigation District hereto attached, and from which point a pumping station will be maintained.

That no one will be injured by such transfer.

WHEREFORE, Affiants and petitioners pray that the state engineer of the state of Idaho issue to them 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 of House Bill No. 146 of the laws of the Seventh Session of the Legislature of the state of Idaho.

H. L. Randall
E. L. Clark
W. H. Thompson
J. W. Brose
Homer I. Clark

W. T. Booth
John D. Daly
R. S. Shaw

Subscribed and sworn to before me this 7th day of Sept.
A. D. 1912.

(SEAL)

E. H. Hulser.
Notary Public.

STATE OF IDAHO,)
 (ss.
COUNTY OF CANYON.)

A F F I D A V I T.

J. L. Powell and C. F. Zeigler, being first duly sworn each for himself and not one for the other depose and says:

That he is a citizen of the United States and of the State of Idaho, residing at Caldwell; that he is a user of water from Boise River, County of Canyon, State of Idaho; that he has read or heard read the foregoing affidavit and petition of H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth, John Daly, and is familiar with its allegations and with the water rights 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.

J. L. Powell

C. F. Zeigler.

Subscribed and sworn to before me this 7th day of
September, 1912.

(SEAL)

R. S. Madden

Notary Public.

STATE OF IDAHO,)
COUNTY OF) ss.

I, M. G. McConnel, Watermaster of Boise River District, County of Canyon and Ada, State of Idaho, whose postoffice address is Caldwell, Idaho, have read or heard read the foregoing affidavit and petition of H. L. Randall, et al, 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; for the following reasons:
.....
.....
.....

M. G. McConnel
Watermaster.

Boise
Nov. 18 1912

Notice having been duly published for thirty days of the intention of the above named parties 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 Caldwell, on 25th of Oct. 1912, according to the terms of said notice;

And it ~~not~~ appearing at said hearing that ~~any one~~ ^{some injury} ~~would be materially injured by such transfer:~~ ^{result by transfer of the full amount.}

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~~ ^{in part, and as outlined by my} (and it appearing at said hearing that the following injuries ^{recommendations} ~~would be sustained by others if such transfer is permitted----~~ ^{has to attached}

I hereby recommend that the State Engineer do ~~not~~ issue the certificate authorizing the transfer ^{as outlined by my recommendations} ~~sought hereinabove.~~

John W. Caggs
Commissioner of Water Division No. 3

By-----

State of Idaho,)
(ss.
County of Ada.)

I, A. E. Robinson, the duly appointed, qualified and acting State Engineer of the State of Idaho, hereby certify the above and foregoing to be a full, true and complete copy of Application for the Transfer of Water Right filed in the office of the State Engineer at Boise, Idaho, on September 20th, 1912, by the following named parties, to-wit: H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth and John Daly.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 23rd day of October, A.D. 1912.

A. E. Robinson
State Engineer.

Exhibit "B."

THE CALDWELL TRIBUNE, F

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth, John Daly, of Boise, Idaho, have applied to the State Engineer of the State of Idaho for a certificate authorizing them to transfer the use of fifteen hundred and forty-five (1545) inches, measured under four-inch pressure, being thirty and nine-tenths (30.9) cubic feet per second of the waters of the Boise River, from the land upon which it is now used; viz.:

Lots 7 and 8, Sec. 25; the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 14, Twp. 4 N., Range 4 W., B. M.;

E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 23 and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 14, Twp. 4 N., Range 4 W., B. M.;

E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 14, and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 14, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 14, and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 14, and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 14; also Lots 10 in Sec. 12 and the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 13, all in Twp. 4 N., Range 4 W., B. M.;

Lots 7 and 8 of Sec. 18, in Twp. 4 N., Range 3 W., B. M., and SE $\frac{1}{4}$ of Sec. 13, Twp. 4 N., Range 4 W., B. M. excepting the lands described in that one certain deed recorded in Book 50 of Deeds at Page 362 of the records of Canyon County, said portion excepted being a strip of land 104 feet in width off the south side of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 4 N., Range 3 W., B. M., and a strip of land 104 in width off the south side of the SE $\frac{1}{4}$ of Sec. 13, Twp. 4 N., Range 4 W., B. M., more particularly described as follows, to-wit: Beginning at the southeast corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 4 N., Range 3 W., B. M.; running thence 104 feet north; thence west to the center line of Section 13, Twp. 4 N., Range 4 W., B. M.; thence south 104 feet to the south line of Sec. 13; thence east to the point of beginning,

being a strip of land deeded to the Riverside Irrigation District;

The fractional SW $\frac{1}{4}$ of Sec. 17, Twp. 4 N., Range 3 W., B. M., containing 155.65 acres;

SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 13, Twp. 4 N., of Range 4 W., B. M.;

All of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 4 N., Range 3 W., B. M., excepting therefrom 8 acres as follows: Beginning at the NW corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and running thence south 59 deg. 30 min. east 552 feet to a stone; thence south 80 deg. 45 min. east 838 feet; thence north 400 feet to a balm tree on the south bank of a slough; thence easterly along the slough to the east line of the said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence north to the NE corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence west a quarter of a mile to the place of beginning;

W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 20, Twp. 4 N., R. 3 W., B. M., save and except the following piece and portion of land which has been heretofore conveyed by the first parties herein;—Commencing at a point 25 feet W of the SE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20, Twp. 4 N., R. 3 W., B. M., thence due north to the center line of the canal of the Riverside Irrigation District; thence westerly along the center line of said canal to the west boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; thence S on said W boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; to the SW corner of the said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 20; thence E at right angles on the southern boundary line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20, to the place of beginning; and upon other lands as follows: SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11, Twp. 4 N., R. 4 W., B. M.;

Lot 2, or the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 6, Twp. 4 N., of Range 4 W., B. M.; and all that portion of lots 6 and 7 of Sec. 6, Twp. 4 N., Range 4 W., B. M., lying north and east of the Riverside Canal.

To the following described tract, to-wit:

All of the SW $\frac{1}{4}$ of Section 26, south of the Government Canal; the south half of the SE $\frac{1}{4}$ and the east half of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26; the west half of Section 34; the SE $\frac{1}{4}$ of Section 34, and the south half of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34; the North half of Section 33, and the north half of the SE $\frac{1}{4}$ of Section 33; all of Section 27 south of the Government Canal; the the south half of Section 28 and the south half of the NE $\frac{1}{4}$ of Section 28; the NW $\frac{1}{4}$ of Section 28; the east half of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29; the SE $\frac{1}{4}$ of Section 29, and the south half of the NE $\frac{1}{4}$ of Section 29; and all that portion of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29 south of the Government Canal; and all that portion of the east half of Section 30 east of the Government Canal; the NE $\frac{1}{4}$ of Section 32, and the north half of the SE $\frac{1}{4}$ of Section 32; the south half of the NW $\frac{1}{4}$ of Section 32 and all that portion of the north half of the NW $\frac{1}{4}$ of Section 32 lying east and south of the Government Canal; all of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31; all in Township 3 N., Range 2 E., B. M., Ada County, Idaho.

And that up-
of October, 1911, day
at the City of
Badley in
674

Hugh E. McElroy
Attorney

Boise, Idaho, Oct. 24, 1912.

To the State Engineer of Idaho,
And John Cage, Water Commissioner:

Gentlemen:

By way of argument on the affidavits and protest filed against the petition of Randall et al for changing water from points below Caldwell to the New York Canal, I wish to submit:

1st. Sec. 3264 R.S. Idaho expressly limits the State Engineer to cases of water rights made appurtenant to land either by decree or license granted by the state engineer under that chapter. These waters have not yet been decreed neither were they acquired under the provisions of said chapter. We assert that for such reason the State Engineer can take no action at this time.

2nd.

Examination of the decree entered by Judge Stewart which has now been vacated and set aside, will show that about 12,000 inches of water were claimed below the Canyon at Caldwell. There can be no doubt whatever that a large amount of water rises in the river below the Canyon, from seepage and return flow. Now if petitioners can lawfully transfer the water claimed by them, the owners of all these water rights have the same legal right to do so and in the course of time all of this water will be transferred, yet these lands can and will have water rights as they do now, from the return flow of water as well as from sub-irrigation. To the extent of the return flow and seepage, the transfers will represent new rights entirely.

Hugh E. McElroy
Attorney

Boise, Idaho,

Oct. 24, 1912 .

The law expressly provides that the change can only be made when no one will be injured. We submit that this case comes within the prohibition of the law.

Hugh E. McElroy

Attorney for Nampa & Meridian
Irrigation District.

STATE OF IDAHO,)

COUNTY OF ADA.)

SS.

Daniel L. Barker, being first duly sworn, upon oath deposes and says: That he is a director and general manager of the Nampa & Meridian Irrigation District; that said Irrigation District is the owner of what is known as the Ridenbaugh Canal system, diverting water from Boise River at a point about five miles above Boise City, Idaho; that what are known as the Penitentiary Canal and the New York Canal are the only canals in Boise Valley diverting water from said Boise river at a point higher up the said river than the said Ridenbaugh canal: that said Ridenbaugh canal diverts over 20000 (Twenty thousand) inches of water which is used in irrigating approximately 25000 acres of land on the bench from Boise City to Nampa, Idaho; that said Nampa & Meridian Irrigation District is a party to the suit of the Farmer's Co-Operative Ditch Company, vs Riverside Irrigation District, Ltd., et al, referred to in the petition of H. L. Randall, et al, now pending before the State Engineer of Idaho; That a final decree was entered in said action by the District Court of the Seventh Judicial District of Idaho, for Canyon County, Idaho, on or about January 18, 1906; That said Nampa & Meridian Irrigation District, with others, appealed from said decree and that thereafter said decree was set aside and vacated by the Supreme Court of the State of Idaho, and said cause remanded to the lower court with instructions to said court to re-determine the amount of water claimed by the different litigants in said case; That about 18000 inches of the water claimed by the said Nampa & Meridian Irrigation District was adjudged in said suit to be of the priority of

date of August 20, 1888, and is subject to the right claimed by petitioners of John Mammou, et al; that the said action is still pending undetermined, and this affiant states on information and belief that neither or any of the water rights claimed by said petitioner have been decreed to the land as alleged in the petition, or that petitioners have a license for such water right.

Affiant says that the lands upon which said water rights claimed by petitioners have been heretofore used, are situated in the lower end of the Boise Valley below the city of Caldwell, and that practically all of the return flow of said Boise River, from the water used by the said Nampa & Meridian Irrigation District, returns to said Boise river at a point where the same can be, and heretofore during the short water season on Boise river, has been utilized for the irrigation of the said lands of petitioners and their predecessors in interest; That there is a large amount of water returns to said Boise river from the irrigation of lands with water diverted from said river, which return flow of water can be and is utilized during the low water period of each year, in supplying said water rights claimed by petitioners. That the proposed point of diversion claimed by petitioners is above the whole of said return flow of water to Boise River; that if said return flow of water is not used to supply said water rights claimed by petitioners, said return flow of water is liable to be lost. That said proposed change of place of use is from the extreme lower end of Boise Valley to the upper end of said Valley. That if such a change of place of use is permitted, that said return flow of water will continue and said owners of the lands upon which said water rights have been used will be able to largely appropriate said return flow of water and that thereby said change of place of use will practically amount to a new appropriation of water; That the water supply

of Boise river is not sufficient for all the lands lying thereunder and that the water rights of said Nampa & Meridian Irrigation District are usually cut and diminished during the month of August in each year on account of said insufficient supply, and that for such reason said change of place of use of water will injure said Nampa & Meridian Irrigation District.

Daniel L. Barker

Subscribed and sworn to before me on this 24 day
of October 1912.

Hugh E. Welch
Notary Public

STATE OF IDAHO,)
) SS:
COUNTY OF ADA.)

C. C. Stevenson, being first duly sworn, upon oath deposes and says that he is a civil engineer and has been connected with irrigation engineering for a period of more than eighteen years last past: That about the year 1906, during the short water period in Boise river, in either the months of July or August, this affiant made an examination of the Boise river at Caldwell, Idaho; also at a point approximately about 5 miles below Caldwell; that at such time said ~~xxx~~ river was practically without water at Caldwell, and that at said point about five miles below Caldwell, said river carried a large amount of water which was the result of water rising in the river or seeping into the river as a return flow from the adjoining country.

C. C. Stevenson

Subscribed and sworn to before me this 24 day
of October, 1912.

Hugh E. McChoy
Notary Public.

STATE ENGINEER OF THE STATE OF IDAHO.

In the Matter of the Application
of H. L. Randall, et al, for the
transfer of Water Right.

AFFIDAVIT.

State of Idaho,)
County of Canyon,) ss.

M. J. Devers,

being first duly sworn, deposes and says: That he
is a citizen of the United States and of the State
of Idaho, and is President
of the Farmers' Co-operative Ditch Company.

That he has read the petitions and affida-
vits of H. L. Randall and others for the transfer of
water rights, certified copies of which are hereto
annexed, marked Exhibit "A" and, by reference, made
a part hereof.

RECORDED
INDEXED
This affiant states that there is no perma-
nent decree in force on Boise River, and that the de-
cree referred to in said Exhibit "A", of Judge George
H. Stewart, then Judge of the District Court of the
Seventh Judicial District of the State of Idaho, in
and for the County of Canyon, in the case of Farmers
Co-operative Ditch Company, plaintiff, vs. Riverside
Irrigation District, Limited, et al, defendants, bear-
ing date of January 18, 1906, has been reversed as to
the duty of water, by the Supreme Court of the State

of Idaho; that while said priorities stand as in said decree mentioned, there has been no specific amount of water decreed to any right under said decree, and affiant denies that H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth and John Daly are the owners and users of a certain water right of 30.9 cubic feet of water, or any other amount of water from Boise River, and denies that there is any decree which decreed to John E. Mammon and Julia Mammon and to the lands lying under the American Ditch Association's canal water to the amount of 1545 inches, measured under a four inch pressure.

Affiant further states that there are now no decreed water rights in any amount to any of the lands described in plaintiffs' affidavits, nor have the owners of any of said lands any certificate of having appropriated any amount of water to their said lands, as required by Section 3264 of the Idaho Revised Codes; that said applicants are not in a position to claim the benefit of Section 3264 of the Idaho Revised Codes.

Affiant, on behalf of the Farmers Co-operative Ditch Company and the users of water under the canal system of said Company, protest against the transfer of any water, as asked for in said application, for the reason that such transfer would injure the said Farmers Co-operative Ditch Company and the users of water under the canal system of said Company.

Affiant further states that Farmers' Co-operative Ditch Company is a corporation operating what is known as the Farmers' Co-operative Ditch; that said ditch diverts water from Boise River on the north bank near the Caldwell

Bridge near Caldwell, in Canyon County, Idaho; that under said canal system the said company has about 15,000. acres of land, which land is arid in character and requires water for irrigation in order to make the same productive; that under said decree in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, the Farmers' Co-operative Ditch Company has Rights Nos. 60, 86, 105 and 126; that said points of diversion of the water appropriated by the Farmers' Co-operative Ditch Company, used and to be used in the irrigation of said lands lying under said Farmers' Co-operative Ditch Company are between where the water is now diverted from Boise River to irrigate the lands mentioned in said application marked Exhibit "A" and the point on Boise River where the water would be diverted to irrigate the lands asked to be irrigated by the proposed transfer; that the Farmers Co-operative Ditch Company, and those who irrigate their land from the canal system of said company, will be injured by having said transfer made, in that such transfer will amount to giving practically a new water right to most of said lands not yet irrigated, which right would be prior to the water rights of the Farmers' Co-operative Ditch Company.

That during a portion of every irrigating season, to-wit, the months of July, August and September, there is not sufficient water in Boise River to irrigate all the lands susceptible of irrigation from Boise River, which have, prior to 1905, been irrigated and which have rights decreed to them under said decree of the said District Court of the Seventh Judicial District of the State of Idaho, in and for the

County of Canyon; that the right given to said Mammon and others, and which is sought to be transferred in the application of H. L. Randall, et al, as shown in said Exhibit "A", is a prior right to the rights given to the Farmers' Co-operative Ditch Company; that the lands to which said right is sought to be transferred have not been irrigated; ^{a large amount} that the lands within the Farmers' Co-operative Ditch Company, ~~to the amount of~~ _____ acres, have been irrigated prior to 1905, as shown by said decree; that a large portion of the water used during the low water season in Boise River, for several years last past, in the irrigation of the lands to which the rights mentioned in applicants' petition marked Exhibit "A" are now appurtenant, are return waters to the Boise River, at points in said river below where the Farmers' Co-operative Ditch Company diverts its water from Boise River, and that it is impossible to take all the water from the lands to which said water is now appurtenant and transfer such water in accordance with the prayer of applicants' said petition, for the reason that a large portion of the water which has been diverted hitherto to the lands owned by said Mammon and others, from which they desire the water transferred, is returned to Boise River after it has been put to a beneficial use by the Farmers' Co-operative Ditch Company and other users, from Boise River—in other words, the transfer asked by applicants would not result in a complete transfer at all, but would secure for applicants an additional amount of water to that now used in the irrigation of the lands of applicants from which the transfer is requested, while the greater portion of the water now appurtenant to said lands now under

irrigation, alleged as belonging to applicants, would still remain available for such purpose, since the transfer asked by applicants would not appreciably decrease the amount of water in Boise River at the point where the same has been diverted to irrigate their lands from which they ask the transfer, but would very materially decrease the amount of water in Boise River at a point where the waters of the Farmers' Co-operative Ditch Company are diverted from Boise River, because in case said transfer were granted, applicants would be permitted to take water out of Boise River at a point above the diversion point of the waters used by the Farmers Co-operative Ditch Company in the irrigation of its lands.

That the lands to which the waters are now appurtenant, mentioned in said petition and from which applicants seek to have the same transferred, are situated in the lower part of the Boise Valley, and the ditches conveying the water to said lands are among the lower ditches on the Boise River, but to irrigate the lands to which applicants propose to transfer said water would require the water to be diverted among the upper, if not into the uppermost, ditch on Boise River.

That the condition of the Boise Valley through which the Boise River flows is such that a portion of the water used for the irrigation of the lands covered by the upper ditches again finds its way to Boise River, and a large amount of the water which finds its way to said river and is used again to irrigate the lands, is diverted from said river to irrigate the lands from which said applicants seek this transfer.

That affiant has been informed that in the distribution of the water during the low water season, the Water Master of said river distributes a large portion of the water in the river to the upper canals, and depends upon its return to the river for a large amount of the water to be used in irrigating the lands under the lower canals.

That the transfer proposed by applicants would surely take from the Farmers' Co-operative Ditch Company, and others, the greater portion of the water permitted to be transferred, which would work an injury to the lands under the Farmers' Co-operative Ditch Company, and for that reason this affiant, on behalf of said Farmers' Co-operative Ditch Company and its landowners, protests against any transfer being made, as asked for by said application.

M. J. Devers

Subscribed and sworn to before me this 25th day of October, 1912.

R. B. Sunday

Notary Public.

STATE ENGINEER OF THE STATE OF IDAHO.

In the Matter of the Application }
of H. L. Randall, et al, for the } AFFIDAVIT.
transfer of Water Right. }

State of Idaho,)
) ss.
County of Canyon,)

H. S. Williams, of Caldwell, Idaho, being first duly sworn, deposes and says: That he is a regularly licensed surveyor and irrigation engineer, and has been for ten years last past, and has resided in the vicinity of Boise River for the past ten years. That during the year 1910 he was water commissioner for the Third Division of the State of Idaho, and as such officer, had charge of the distribution of water from said Boise River.

That from his experience as said water commissioner, and from general observation of Boise River, affiant states that along the entire length of Boise River below the Highland Dam there is a considerable amount of return flow of water to said river, and that said amount of return flow is greater and very perceptible below the canyon near Caldwell, Idaho, and above the diversion points of the canals to which water is diverted from Boise River to irrigate the lands for which said applicants have requested the

transfer in the above entitled matter, which application is hereto annexed, marked Exhibit "A", and, by reference, made a part hereof. That affiant, as such water commissioner of Boise River, observed that the river could be almost drained dry by the ditches heading in the canyon near Caldwell, Idaho, and that the return flow from said point to the river was almost sufficient to supply water to the lands below said point; that said transfer can not be made without injury to the Farmers Co-operative Ditch Company, the Pioneer Irrigation District, and other companies taking water from Boise River between the point of diversion and the proposed point.

That Boise River has a broad, flat channel above the canyon near Caldwell, Idaho, which naturally causes the maximum amount of loss by seepage and evaporation; that while he found extensive seepage and evaporation going on above said canyon in Boise River, he also found a large amount of return flow below said canyon in Boise River; that the ditches of the protestants herein, such as the Pioneer Irrigation District and the Farmers Co-operative Ditch Company, divert water from said Boise River at points where the return flow to said river below the canyon does not benefit them, the canals of the Pioneer Irrigation District diverting water above said canyon, and the Farmers Co-operative Ditch Company diverting water at said canyon, and would be injured by said transfer. That during the low water season of said Boise River

the taking of 30.9 second feet of water from the flow does not lessen, to any perceptible extent, the area of the channel which the water covers, but it does make it necessary for the less amount to take care of a greater amount of seepage and evaporation. This last statement is based on the fact that the small body of flowing water does not put up the same amount of resistance to seepage and evaporation that a larger amount would; that the area covered by the flowing water, after the 30.9 second feet have been deducted, is but little decreased, and the wetted perimeter remains practically the same, and, as a result, the velocity is diminished, making the loss by seepage and evaporation greater.

That affiant has read the affidavit of L. E. Greenslet, and is familiar with the statements therein, and states that the same is true of his own knowledge, and that the said Pioneer Irrigation District and Farmers Co-operative Ditch Company will be injured by the granting of a certificate authorizing the transfer to the applicants. That he has also read the affidavits of M. J. Devern and A. S. Albertson, and is acquainted with the statements in said affidavit, and knows the same are true of his own knowledge and that the said Farmers Co-operative Ditch Company and the land owners thereunder, will be injured by the granting of the certificate authorizing the transfer in accordance with the application.

H. Williams
Subscribed and sworn to before me
this 25th day of October, 1922

R. B. Pennington
Notary Public

STATE ENGINEER OF THE STATE OF IDAHO.

*****)
In the Matter of the Application)
of H. L. Randall, et al, for the)
transfer of Water Right.)

AFFIDAVIT.

State of Idaho,)
County of Canyon,) ss.

A. V. Albertson

being first duly sworn, deposes and says: That he
is a citizen of the United States and of the State
of Idaho, and is Watermaster
of the Farmers' Co-operative Ditch Company.

That he has read the petitions and affida-
vits of H. L. Randall and others for the transfer of
water rights, certified copies of which are hereto
annexed, marked Exhibit "A" and, by reference, made
a part hereof.

This affiant states that there is no perma-
nent decree in force on Boise River, and that the de-
cree referred to in said Exhibit "A", of Judge George
H. Stewart, then Judge of the District Court of the
Seventh Judicial District of the State of Idaho, in
and for the County of Canyon, in the case of Farmers
Co-operative Ditch Company, plaintiff, vs. Riverside
Irrigation District, Limited, et al, defendants, bear-
ing date of January 18, 1906, has been reversed as to
the duty of water, by the Supreme Court of the State

of Idaho; that while said priorities stand as in said decree mentioned, there has been no specific amount of water decreed to any right under said decree, and affiant denies that H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth and John Daly are the owners and users of a certain water right of 30.9 cubic feet of water, or any other amount of water from Boise River, and denies that there is any decree which decreed to John E. Mammou and Julia Mammou and to the lands lying under the American Ditch Association's canal water to the amount of 1545 inches, measured under a four inch pressure.

Affiant further states that there are now no decreed water rights in any amount to any of the lands described in plaintiff's affidavits, nor have the owners of any of said lands any certificate of having appropriated any amount of water to their said lands, as required by Section 3264 of the Idaho Revised Codes; that said applicants are not in a position to claim the benefit of Section 3264 of the Idaho Revised Codes.

Affiant, on behalf of the Farmers Co-operative Ditch Company and the users of water under the canal system of said Company, protest against the transfer of any water, as asked for in said application, for the reason that such transfer would injure the said Farmers Co-operative Ditch Company and the users of water under the canal system of said Company.

Affiant further states that Farmers' Co-operative Ditch Company is a corporation operating what is known as the Farmers' Co-operative Ditch; that said ditch diverts water from Boise River on the north bank near the Caldwell

Bridge near Caldwell, in Canyon County, Idaho; that under said canal system the said company has about 15000. acres of land, which land is arid in character and requires water for irrigation in order to make the same productive; that under said decree in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, the Farmers' Co-operative Ditch Company has Rights Nos. 60, 86, 105 and 126; that said points of diversion of the water appropriated by the Farmers' Co-operative Ditch Company, used and to be used in the irrigation of said lands lying under said Farmers' Co-operative Ditch Company are between where the water is now diverted from Boise River to irrigate the lands mentioned in said application marked Exhibit "A" and the point on Boise River where the water would be diverted to irrigate the lands asked to be irrigated by the proposed transfer; that the Farmers Co-operative Ditch Company, and those who irrigate their land from the canal system of said company, will be injured by having said transfer made, in that such transfer will amount to giving practically a new water right to most of said lands not yet irrigated, which right would be prior to the water rights of the Farmers' Co-operative Ditch Company.

That during a portion of every irrigating season, to-wit, the months of July, August and September, there is not sufficient water in Boise River to irrigate all the lands susceptible of irrigation from Boise River, which have, prior to 1908, been irrigated and which have rights decreed to them under said decree of the said District Court of the Seventh Judicial District of the State of Idaho, in and for the

County of Canyon; that the right given to said Mammon and others, and which is sought to be transferred in the application of H. L. Randall, et al, as shown in said Exhibit "A", is a prior right to the rights given to the Farmers' Co-operative Ditch Company; that the lands to which said right is sought to be transferred have not been irrigated; that ^{a large amount of} the lands within the Farmers' Co-operative Ditch Company, ~~to the amount of~~ _____ acres, have been irrigated prior to 1905, as shown by said decree; that a large portion of the water used during the low water season in Boise River, for several years last past, in the irrigation of the lands to which the rights mentioned in applicants' petition marked Exhibit "A" are now appurtenant, are return waters to the Boise River, at points in said river below where the Farmers' Co-operative Ditch Company diverts its water from Boise River, and that it is impossible to take all the water from the lands to which said water is now appurtenant and transfer such water in accordance with the prayer of applicants' said petition, for the reason that a large portion of the water which has been diverted hitherto to the lands owned by said Mammon and others, from which they desire the water transferred, is returned to Boise River after it has been put to a beneficial use by the Farmers' Co-operative Ditch Company and other users, from Boise River—in other words, the transfer asked by applicants would not result in a complete transfer at all, but would secure for applicants an additional amount of water to that now used in the irrigation of the lands of applicants from which the transfer is requested, while the greater portion of the water now appurtenant to said lands now under

irrigation, alleged as belonging to applicants, would still remain available for such purpose, since the transfer asked by applicants would not appreciably decrease the amount of water in Boise River at the point where the same has been diverted to irrigate their lands from which they ask the transfer, but would very materially decrease the amount of water in Boise River at a point where the waters of the Farmers' Co-operative Ditch Company are diverted from Boise River, because in case said transfer were granted, applicants would be permitted to take water out of Boise River at a point above the diversion point of the waters used by the Farmers Co-operative Ditch Company in the irrigation of its lands.

That the lands to which the waters are now appurtenant, mentioned in said petition and from which applicants seek to have the same transferred, are situated in the lower part of the Boise Valley, and the ditches conveying the water to said lands are among the lower ditches on the Boise River, but to irrigate the lands to which applicants propose to transfer said water would require the water to be diverted among the upper, if not into the uppermost, ditch on Boise River.

That the condition of the Boise Valley through which the Boise River flows is such that a portion of the water used for the irrigation of the lands covered by the upper ditches again finds its way to Boise River, and a large amount of the water which finds its way to said river and is used again to irrigate the lands, is diverted from said river to irrigate the lands from which said applicants seek this transfer.

That affiant has been informed that in the distribution of the water during the low water season, the Water Master of said river distributes a large portion of the water in the river to the upper canals, and depends upon its return to the river for a large amount of the water to be used in irrigating the lands under the lower canals.

That the transfer proposed by applicants would surely take from the Farmers' Co-operative Ditch Company, and others, the greater portion of the water permitted to be transferred, which would work an injury to the lands under the Farmers' Co-operative Ditch Company, and for that reason this affiant, on behalf of said Farmers' Co-operative Ditch Company and its landowners, protests against any transfer being made, as asked for by said application.

A. H. Albertson

Subscribed and sworn to before me this 25th day of October, 1913.

R. B. Sunday

Notary Public.

STATE ENGINEER OF THE STATE OF IDAHO.

IN THE MATTER OF THE APPLICATION)
OF H. L. RANDALL ET AL. FOR THE) AFFIDAVIT.
TRANSFER OF WATER RIGHT.)

STATE OF IDAHO,)
) ss.
COUNTY OF CANYON.)

L. E. GREENSLET, being first duly sworn, deposes and says: That he is a citizen of the United States and of the State of Idaho and is President of the Board of Directors of the Pioneer Irrigation District;

That he has read the petition and affidavits of H. L. Randall and others for the transfer of water rights, certified copies of which are annexed hereto, marked "Exhibit A" and by reference made a part hereof.

This affiant states that there is no permanent decree in force on Boise River, and that the decree referred to in said "Exhibit A", of Judge George H. Stewart, then Judge of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, in the case of the Farmers' Co-operative Ditch Company, Plaintiff, v. Riverside Irrigation District, Limited, et al., Defendants, bearing date of January 18, 1906, has been reversed as to the duty of water, by the Supreme Court of the State of Idaho; that while the priorities stand as in said decree mentioned, there has been no specific amount of water decreed to any right under said decree, and affiant denies that H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer I. Clark, W. T. Booth and John Daly are the owners and users of a certain water right of 30.9 cubic feet of water, or any other amount of water from Boise River, and denies that there is any decree which decreed to John R. Mammon and Julia Mammon and to the lands lying under the American Ditch Association's

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canal water to the amount of 1545 inches, measured under a four-inch pressure.

Affiant further states that there are now no decreed water rights in any amount to any of the lands described in plaintiffs' affidavits, nor have the owners of any of said lands any certificate of having appropriated any amount of water to their said lands, as required by Section 3264 of the Idaho Revised Codes; that said applicants are not in a position to claim the benefit of Section 3264 of the Idaho Revised Codes.

Affiant, on behalf of the Pioneer Irrigation District and the users of water under the canal system of said District, protests against the transfer of any water, as asked for in said application, for the reason that such transfer would injure the said Pioneer Irrigation District and the users of water under the canal system of said Irrigation District.

Affiant further states that the Pioneer Irrigation District is a public corporation, duly organized and existing under and by virtue of the irrigation district laws of the State of Idaho, and operates two canals, viz.: the Phyllis Canal and the Caldwell Canal; that the Phyllis Canal diverts water from Boise River on the south bank, opposite the lower part of Eagle Island, in Section twenty-four (24), Township four (4), North of Range one (1), West of Boise Meridian, for the use of lands lying under said canal; and that the said Caldwell Canal diverts water from said Boise River at a point on the Frost ranch in Section eighteen (18), Township four (4), North of Range one (1), West of Boise Meridian; that under said canal system, including the said Phyllis Canal and the Caldwell Canal, the said Pioneer Irrigation District has 34,8~~0~~0 acres of land, which land is arid in character and requires water for irrigation, in order to make the same productive; that under said decree in

the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, the Pioneer Irrigation District has rights Nos. 90, 117 and 135; that said points of diversion of the water appropriated by the Pioneer Irrigation District, used and to be used in the irrigation of said lands within said Pioneer Irrigation District, are between where the water is now diverted from Boise River to irrigate the lands mentioned in said application marked "Exhibit A" and the point on Boise River where the water would be diverted to irrigate the lands asked to be irrigated by the proposed transfer; that the Pioneer Irrigation District and those who irrigate their lands from the canal system of said District will be injured by having said transfer made, in that such transfer will amount to giving practically a new water right to most of said lands not yet irrigated, which right would be prior to the water rights of the Pioneer Irrigation District;

That during a portion of every irrigation season, to-wit: the months of July, August and September, there is not sufficient water in Boise River to irrigate all the lands susceptible of irrigation from Boise River, which have prior to 1905 been irrigated and which have rights decreed to them under said decree of the said District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon; that the right given to said Mammon and others and which is sought to be transferred in the application of H. L. Randall et al., as shown in said "Exhibit A", is a prior right to the rights given to the Pioneer Irrigation District; that the lands to which said right is sought to be transferred have not been irrigated; that the lands within the Pioneer Irrigation District, to the amount of ^{about} fifteen thousand (15,000) acres, have been irrigated prior to 1905, as shown by said decree; that a large portion of the water used during the low-

water season in Boise River, for several years last past, in the irrigation of the lands to which the rights mentioned in applicants' petition marked "Exhibit A" are now appurtenant, are return waters to the Boise River, at points on said river below where the Pioneer Irrigation District diverts its water from Boise River, and that it is impossible to take all the water from the lands to which said water is now appurtenant and transfer such water in accordance with the prayer of applicants' said petition, for the reason that a large portion of the water which has been diverted hitherto to the lands owned by said Mammon and others, from which they desire the water transferred, is returned to Boise River after it has been put to a beneficial use by the Pioneer Irrigation District and other users, from Boise River - in other words, the transfer asked by applicants would not result in a complete transfer at all, but would secure for applicants an additional amount of water to that now used in the irrigation of the lands of applicants from which the transfer is requested, while the greater portion of the water now appurtenant to said lands now under irrigation, alleged as belonging to applicants, would still remain available for such purpose, since the transfer asked by applicants would not appreciably decrease the amount of water in Boise River at the point where the same has been diverted to irrigate their lands from which they ask the transfer, but would very materially decrease the amount of water in Boise River at a point where the waters of the Pioneer Irrigation District are diverted from Boise River, because in case said transfer were granted, applicants would be permitted to take water out of Boise River at a point above the diversion point of the waters used by the Pioneer Irrigation District in the irrigation of its lands;

That the lands to which the waters are now appurtenant, mentioned in said petition and from which applicants seek to have the same transferred, are situated in the lower part of the Boise

Valley, and the ditches conveying the water to said lands are among the lower ditches on the Boise River, but to irrigate the lands to which applicants propose to transfer said water would require the water to be diverted among the upper, if not into the uppermost ditch on Boise River;

That the condition of the Boise Valley, through which the Boise River flows, is such that a portion of the water used for the irrigation of the lands covered by the upper ditches again finds its way to Boise River, and a large amount of the water which finds its way to said river and is used again to irrigate the lands is diverted from said river to irrigate the lands from which said applicants seek this transfer;

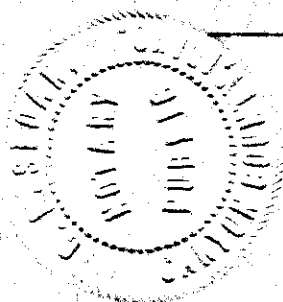
That affiant has been informed that in the distribution of the water during the low-water season the Water Master of said river distributes a large portion of the water in the river to the upper canals, and depends upon its return to the river for a large amount of the water to be used in irrigating the lands under the lower canals;

That the transfer proposed by applicants would merely take from the Pioneer Irrigation District and others the greater portion of the water permitted to be transferred, which would work an injury to the lands within the Pioneer Irrigation District, and for that reason this affiant, on behalf of said Pioneer Irrigation District and its landowners, protests against any transfer being made, as asked for by said application.

L. E. Groulx

Subscribed and sworn to
before me, this 25th
day of October, A.D. 1912.

C. H. Slone
Notary Public.



STATE ENGINEER OF THE STATE OF IDAHO.

IN THE MATTER OF THE APPLICATION)
OF H. L. RANDALL ET AL. FOR THE) AFFIDAVIT.
TRANSFER OF WATER RIGHT.)

STATE OF IDAHO,)
COUNTY OF CANYON.) ss.

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N. S. DILS, being first duly sworn, deposes and says:
That he is a citizen of the United States and of the State of
Idaho, and that he is a licensed engineer of the State of Idaho,
and has been for several years last past; that he was at one
time Resident Hydrographer for the United States Geological
Survey, and as such it was his duty to measure the waters in Boise
River, and also to look after the return flow to said river, and
that he has found that there is a great amount of return flow to
Boise River, from the canyon near Caldwell, Idaho, down said
stream; that when said river is almost dry as a result of a diver-
sion dam being placed therein at the canyon near Caldwell, Idaho,
to divert the waters of said river into the canals of the River-
side Irrigation District, Limited, and of the Farmers' Co-operative
Ditch Company, within a short distance from said canyon water will
be found running in said river, and that said return flow below
said canyon is increasing every year, on account of the increased
irrigation farther up the river; that during the year 1906 affiant
was the regularly appointed and acting Water Master under the
Water Commissioner for the Third Division, State of Idaho, and as
such Water Master had charge of the distribution of the waters of
Boise River, and that the statements herein made are based upon
his observations made during that time and at other times.

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Affiant further states that he has read the affidavit of
L. E. Greenslet, President of the Pioneer Irrigation District, and

states that the allegations therein contained are true, of his own knowledge, and that the granting of the certificate authorizing the transfer as proposed in "Exhibit A", attached hereto and by reference made a part hereof, would greatly injure the landowners in the Pioneer Irrigation District, and also the landowners taking water from the Farmers' Co-operative Ditch Company, Limited.

N.S. Dils

Subscribed and sworn to
before me, this 24th day
of October, A.D. 1912.

R. B. Scamaday
Notary Public

STATE ENGINEER OF THE STATE OF IDAHO.

IN THE MATTER OF THE APPLICATION)
OF H. L. RANDALL ET AL. FOR THE) AFFIDAVIT.
TRANSFER OF WATER RIGHT.)

STATE OF IDAHO,)
COUNTY OF CANYON.) ss.

HENRY W. DORMAN, being first duly sworn, deposes and says: That he is a citizen of the United States and of the State of Idaho, and is a stockholder in the Pioneer Dixie Ditch Company, a corporation, to the amount of two hundred (200) shares of its capital stock, and that he diverts water from the ditch owned by said Company sufficient to irrigate two hundred (200) acres of land located under said ditch; that he has read the application of H. L. Randall et al. for the transfer of water right, a copy of which is attached hereto, marked "Exhibit A", and made a part hereof, and finds that a portion of the water so asked to be transferred by said application is water belonging to the Pioneer Dixie Ditch Company, a corporation, and this affiant hereby protests against the transfer of any water from the Pioneer Dixie Ditch Company which will in any way decrease the amount of water to which said Ditch Company is entitled, for the reason that such transfer would place a heavier burden, by way of maintenance charges, etc., upon the remaining stockholders who divert water from said canal.

Affiant further states that the amount of water proposed to be taken from the Pioneer Dixie Ditch Company's canal, in accordance with said application, is ten hundred seventeen (1017) inches of water, measured under a four-inch pressure; that this affiant, by reason of said proposed transfer, would be greatly injured, in that reducing the amount of water carried in said

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canal by said amount of ten hundred seventeen (1017) inches, measured under a four-inch pressure, would weaken the flow in the canal of said Company, resulting in a greater proportionate amount of loss by seepage and evaporation from the intake at Boise River to where this affiant diverts his water from said canal, and that reducing the amount of water carried in said canal as aforesaid, will almost double the burden of the cost of maintaining said canal upon this affiant.

Affiant further states that he has been a resident of Boise Valley, and has been acquainted with Boise River, for twenty-six (26) years last past, and that affiant has observed that there is a very perceptible amount of water returning to Boise River below the canyon at Caldwell, Idaho; that the Farmers' Co-operative Ditch Company has constructed a dam in said river and diverted practically all the water from said stream when the water is low in said Boise River, but that the return flow of water to said river is sufficient so that the ditch of the Pioneer Dixie Ditch Company receives almost sufficient water to irrigate the lands lying under the same.

Affiant has read the affidavit of L. E. Greenslet, President of the Pioneer Irrigation District, with reference to the return flow below said canyon, and states that the same is true of his own knowledge.

Henry W. Dorman

Subscribed and sworn to
before me, this 23rd
day of October, A. D. 1912.

R. B. Scamaday

Notary Public.

IN THE OFFICE OF THE STATE ENGINEER

STATE OF IDAHO.

In The Matter of the Application
of H.L. Randall, et al., for the
Change of Diversion Point and
Transfer of Water Right.

A F F I D A V I T.

State of Idaho)
SS.
County of Canyon)

L. A. Vaid

BEING FIRST duly sworn, upon his oath, ~~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, and now is, and during all of the times herein mentioned has been, the owner of lands and the right to the use of the waters of Boise River diverted through the Boise Point Canal and during the years 1905 to 1912 inclusive has so diverted said waters through said canal and used the same for irrigation purposes upon said lands. That in the month of July of each of the years from 1905 to 1912 the waters of said Boise River ceased to flow and failed entirely at the diversion point of said canal and the said river bed was ~~entirely~~ ^{practically} dry both below and above said diversion point up to the Canyon at Caldwell, and so remained during each of said years until the Water Commissioner took charge of said River and controlled the diversion of water therefrom and caused said waters to flow past the upper canals on said River in quantities sufficient to supply the canals below said Canyon. That during said period said canal was entirely dry and the ~~land~~ owners thereunder were wholly unable to secure any water for irrigation. That affiant is familiar with said River between the diversion point of said canal and said Canyon, and there are no channels or courses, either on the surface or underneath the surface of the ground, between said points, through which any water can or does flow into said River during the period of low water in said River, or during the months of July, August and September of each year.

L. A. Vaid

Subscribed and sworn to
before me this 8th day of November, 1912.

[Signature]
Notary Public.

STATE OF IDAHO,)
) ss.
COUNTY OF ADA.)

M. G. McConnell, being first duly sworn, deposes and says:

That from 1905 to 1912 inclusive, excepting therefrom the year of 1910, he has been either Water Master or Assistant Water Master for the Boise River Water District;

That he has examined the records for July 1910, as reported by the Water Master for that year to the Water Commissioner of the Third Division of Idaho, and that said records show that for the days of July in which the water was measured to the Pioneer Dixie Ditch Company's canal on the Boise River, being from July 15th to July 31st inclusive, the amount was of an average of thirty-five(35) second feet per a 24-hour period; that said Ditch has a water right upon the Boise River for approximately ~~second~~ 55 feet; that said records show that the Farmers' Co-operative Ditch Company for the same period of July 1910 received an average of 105 second feet per a 24-hour period of time; that said records do not show whether or not water was delivered at all to the Eureka Ditch or to either of the Lower or Upper Center Point Canals; that the records of the Water Master, as reported to the said Water Commissioner for the month of July, 1908, for the 27th, 28th, 29th, 30th, and 31st of said month, show that there was approximately an average of 21 second feet per a period of 24 hours furnished the Pioneer Dixie Ditch Company's canal for said period of July; and that for the same period of July of said year the Farmers' Co-operative Ditch Company received an approximate average of 111 second feet per a period of 24 hours of time; and that during July of 1911, from the 15th to the 31st inclusive, the Pioneer Dixie Ditch Company received an average approximately 25 second feet per a period of 24 hours of time; and that for the same period of July the Pioneer Dixie Ditch Company, the American Ditch Association, and the Eureka Ditch No. 2, and the Upper and Lower Center Point canals as a whole for said period received on the average 64 second feet

per a period of 24 hours of time; and that for the same period the Farmers' Co-operative Ditch Company was receiving on the average approximately 164 second feet per a period of 24 hours of time;

That affiant has read the affidavit of C. C. Stevenson, filed in the matter of the petition of H. L. Randall and others, for the transfer of water rights on the Boise River, and has noted especially the fact therein stated that on a certain date in July 1906 at a point at the bulkhead on the Boise River, the water flow of said Boise River measured approximately sixteen hundred(1600) inches, and at the same time just below the tap of what is known as the American Ditch, the water flow amounted to approximately thirty-three hundred (3300) inches; that this fact might be usually possible and still not be due in any respect to back flow or seepage water, since the Farmers' Co-operative canal takes water from the Boise River above said bulkhead, as designated in said affidavit, and returns a portion of said water, often amounting to from five hundred(500) to three thousand (3,000) inches, to the Boise River below said bulkhead, before said waters taken from the Boise River pass through the rating flume of said Farmers' Co-operative Ditch, and that said waters are really a part of the Boise River and are merely temporarily diverted by the Farmers' Co-operative Ditch and are not in any sense a part of the waters used by the said Farmers' Co-operative Ditch Company in irrigating the lands under their canal;

That affiant, during all the years as above stated that he has been at work upon the Boise River, has observed the flow of the river, and that from the point where the Farmers' Co-operative Ditch Company's waste ~~gate~~ ^{returns} ~~returning~~ the water temporarily diverted from the Boise River, as mentioned above, ~~seals~~ ^{to} the Boise River to a point below the head gate of the Lower Center Point Canal upon said Boise River, there is practically no return flow or seepage to said Boise River, since the canals running through the territories tributary to said Boise River each in their turn take up all the back flow and seepage water from the

canals above them; and that said affiant has measured the water ^{to} the ditches below said Farmers' Co-operative Ditch Company's canal ^{and along a point just below the diversion point of the} canal during the months of July of each year of which he has been at work upon said river, and that during said months the said water delivered to the said canals below the Farmers' Co-operative Ditch Company is water turned past the diversion point of the said Farmers' Co-operative Ditch Company, especially for the use of said canals;

Affiant also states that he has observed the return flow to Boise River above said Farmers' Co-operative Ditch Company's canal, and that the return flow to Boise River in the lowest season of the Boise River is very slight, and that the maximum return flow is not sufficient at any time to supply the ditches above said Farmers' Co-operative Ditch Company, which have ~~prior~~ ^{prior} rights ^{and prior to the rights of all of said potatoes} to said Farmers' Co-operative Ditch Company; that the ditches below the Farmers' Co-operative Ditch Company and above a point in the river just below the Lower Center Point canal have rights of approximately eight thousand(8,000) inches , which are prior

rights to the Farmers' Co-operative Ditch Company's canal ^{and also prior to the rights of all of said potatoes}

M. E. McConnell



Subscribed and sworn to before me this.....7th..... day of.....August....., 1912.

J. J. Mosden

Notary Public.

IN THE OFFICE OF THE STATE ENGINEER
S T A T E O F I D A H O .

In The Matter of the Application
of H.L.Randall, et al, for the
Change of Diversion Point and A F F I D A V I T .
the Transfer of Water Right.

State of Idaho) SS.
County of Canyon)

Fred H. McConnell

being first duly sworn, upon his oath states:

That affiant is a citizen of the United States and of the State of Idaho, and is a resident of Caldwell, in Canyon County, State of Idaho, and at all the times herein mentioned was, and now is, a duly licensed and practicing surveyor and ~~engineer~~ irrigation engineer within and under the laws of the said State of Idaho.

That during the summer of the year 1925 affiant was engaged as Water Master on the Boise River, and as a part of the duties as such Water Master affiant measured and distributed the waters from said Boise River into the irrigation canals diverting water from said River both above and below the Canyon at Caldwell, including the Riverside Irrigating District's Canal, the Farmer's Co-operative Ditch Company's Canal, the Canyon Water Company's Canal, the Siebenberg Co-operative Ditch Company's Canal, the Pioneer Dixie Ditch Company's Canal, the American Ditch Company's Canal, the Eureka Ditch Company's Canal, and the Center Point Ditch Company's Canal. That during the stage of low water in said River, during the months of July, August and September, in order to economize in the ~~maximized~~ use and management of said waters and more efficiently control the same, affiant diverted a very large portion of the said waters ~~into~~ at the Canyon at Caldwell into the said Farmer's Co-operative Ditch Company's Canal, and at a point a short distance from the headgate of said Canal, turned the same through a wastegate into ~~maximized~~ the old river channel on the North side of the island between the wagon bridge and the Oregon Short Line Railroad bridge, and carried the same down said channel and distributed the same into the balance of the Canals ~~maximized~~ diverting water below said point. That the above method of controlling and distributing said waters of Boise River at said point

is the method followed by the Water Master each year during the low water season. That the main channel of said River is on the South side of said island, and on the South side of said main channel, and opposite said island, there is an old bulkhead, mentioned in the affidavit of C. C. Stevenson on file in this matter, approximately eighty rods East and North from the Oregon Short Line Railroad Bridge over said Boise River. That the waters of Boise River thus diverted through said old channel do not flow past said bulkhead, but they pass on the opposite side of said island and directly past the headgate in the Siebenberg Canal.

That the Riverside Canal diverts water from Boise River at the upper end of the Canyon at Caldwell on the South side of said River, and is constructed along the South bank of said River on a general level lower than the bed of said River and parallel with said River to and past the points of diversion, or heddings, of all of the canals above mentioned, and completely and effectively cuts off and intercepts and prevents all waters, either above or below the surface of the ground, from returning or flowing into said Boise River from the South side of said River at any point between said Canyon, or the heading of said Riverside Canal, and the lowest one of said Canals and beyond the heading of said Centerpoint Canal; and the Siebenberg Canal is constructed in like manner, with relation to said Boise River, along the North side thereof, and likewise prevents all waters from returning or flowing into said Boise River from the North side thereof between said points.

That on the 6th day of November, 1912, affiant made careful and accurate measurements of the bed of said Boise River and said Riverside Canal at 4 different points from the head of said Riverside Canal to the heading of said Centerpoint Canal, and that said measurements showed the level of the bottom of said Riverside Canal to be lower than the level of the bed of said Boise River as follows: At the heading of said Riverside Canal the bottom of the same was .1 lower than the bed of said River; at a point immediately below said Wagon Bridge the bottom of said Canal was .4 feet lower than the bed of said River; at

a point above the Oregon Short Line Railroad Bridge

The bottom of said Canal was 5 feet lower than the bed of said River; and at a point at the arch. The bottom of said Canal is 1.9 feet lower than the bed of said River.

That during the past 10 years affiant has been frequently engaged in making surveys of the lands on both sides of said River both along and above and below said points, and has frequently traveled up and down on both sides of said River, and has had opportunity to observe whether or not there was ~~any~~ at said points any return flow of water into said River; and that there is no return flow of water into said Boise River from either side of said River between said Canyon at Caldwell and said Centerpoint Canal during the irrigating season.

That on different occasions and in different years in the month of July affiant has observed said River at said points when there was no water whatever flowing therein and the bed of said River was entirely dry.

That affiant has read the application of H.L. Randall and others herein and the protests against the granting of said application and the affidavits submitted therewith, and that from affiant's experience as Water Master on said Boise River and from his observations and experience with said River and the flow of water therein and the diversion of water therefrom, affiant states that said protestants, nor either of them, nor any water user on said River, will not be injured or damaged in any manner by the change of the place of diversion of said waters as set forth and requested in said application.

Fred H. McConnel

Subscribed and sworn to

before me this 7th day of November, 1912.

(SEAL)

D. Madden
Notary Public.

IN THE OFFICE OF THE STATE ENGINEER
STATE OF IDAHO.

In The Matter of the application
of H.L. Randall, et al., for the A F F I D A V I T.
Change of Diversion Point and
the Transfer of Water Right.

State of Idaho) ss.
County of Canyon)

William Siebenberg

being first duly sworn, upon his oath states:

That he is a citizen of the United States and of the State of Idaho, and now is, and during all of the times herein mentioned has been, the owner of lands and of the right to the use of the waters of Boise River diverted through the Siebenberg Canal, and during the years past 12 years has had charge of said canal in the capacity of superintendent and general manager, and as such manager frequently during said years, and as an interested water user on many occasions both prior and subsequent thereto, affiant has traversed said Boise River between the diversion point of said Canal and the Canyon at Caldwell, and during all of said times affiant was very familiar with said Boise River at and between said points. That there are no channels or courses, either on the surface or underneath the surface of the ground, through which any water can or does flow into said Boise River during the period of low water in said River, or during the months of July, August and September of each year, or during any time when all of the waters of said River are being utilized for irrigation purposes; and there is no return flow of water into said Boise River at or between said points whatever during any period, except when there is a surplus of water flowing in said River, over and above all that is used for irrigation.

That there is a loose lava rock dam placed on top of the sand and gravel in Boise River at the Canyon at Caldwell, and is maintained for the purpose of diverting water into the Farmer's Co-operative Canal, and each year as the water in said Boise River falls said dam is made ~~xxxxxxxxxxxxxxxxxxxx~~ closer and tighter until practically all of said waters are diverted into said Farmer's Co-operative Canal, and from there turned out through a waste gate ~~xxxxxxxxxxxxxxxxxxxx~~ into an old river channel or slough and carried on the North side of the island between the Canyon and the O.S.L.R.R. Bridge, opposite to an old bulkhead of said Railroad, and carried through said old channel down to the canals below, and does not re-enter the main channel of said Boise River until it reaches a point below said old bulkhead and immediately above said Railroad Bridge.

That the Riverside Irrigating District's canal diverts water from Boise River at the upper end of the Canyon at Caldwell on the South side, and flows along the South bank, on a level or lower than the bed of said River, and parallel with said River, to and past the point of diversion of said first above named canal, and completely and effectively cuts off and intercepts and prevents all waters, either above or below the surface, from returning to said Boise River from the South side between said points; and the Siebenberg Co-operative Canal is constructed in like manner, with relation to said River, along the North side, and prevents all waters from returning to said River from the North side thereof between said points.

That in the month of July of each of the years from 1905 to 1912 the waters of said Boise River ceased to flow and failed entirely at the diversion point of said canal and the said river bed was entirely dry both below and above said diversion point up to the Canyon at Caldwell, and so remained during each of said years until the Water Commissioner took charge of said River and controlled the diversion of water therefrom, and caused said waters to flow past the upper canals on said River in quantities sufficient to supply the canals below said Canyon; and during said period said canal was entirely dry and the land owners thereunder were wholly unable to secure any water for irrigation.

Subscribed and sworn to before William Siebenberg
me this 7th day of November 1912. (Commissioner P. O. 1)

IN THE OFFICE OF THE STATE ENGINEER
STATE OF IDAHO.

In The Matter of the application
of H.L. Randall, et al., for the A F F I D A V I T.
Change of Diversion Point and
the Transfer of Water Right.

State of Idaho) ss.
County of Canyon)

L. E. York

being first duly sworn, upon his oath states:

That he is a citizen of the United States and of the State of Idaho, and now is, and during all of the times herein mentioned has been, the owner of lands and of the right to the use of the waters of Boise River diverted through the Farmer's Canal, and during the years 1912 has had charge of said canal in the capacity of superintendant and general manager, and as such manager frequently during said years, and as an interested water user on many occasions both prior and subsequent thereto, affiant has traversed said Boise River between the diversion point of said Canal and the Canyon at Caldwell, and during all of said times affiant was very familiar with said Boise River at and between said points. That there are no channels or courses, either on the surface or underneath the surface of the ground, through which any water can or does flow into said Boise River during the period of low water in said River, or during the months of July, August and September of each year, or during any time when all of the waters of said River are being utilized for irrigation purposes; and there is no return flow of water into said Boise River at or between said points whatever during any period, except when there is a surplus of water flowing in said River, over and above all that is used for irrigation.

That there is a loose lava rock dam placed on top of the sand and gravel in Boise River at the Canyon at Caldwell, and is maintained for the purpose of diverting water into the Farmer's Co-operative Canal, and each year as the water in said Boise River falls said dam is made ~~xxxxxxxxxxxxxxxxxxxx~~ closer and tighter until practically all of said waters are diverted into said Farmer's Co-operative Canal, and from there turned out through a waste gate ~~xxxxxxxxxxxxxxxxxxxx~~ into an old river channel or slough and carried on the North side of the island between the Canyon and the O.S.L.R.R. Bridge, opposite to an old bulkhead of said Railroad, and carried through said old channel down to the canals below, and does not re-enter the main channel of said Boise River until it reaches a point below said old bulkhead and immediately above said Railroad Bridge.

That the Riverside Irrigating District's canal diverts water from Boise River at the upper end of the Canyon at Caldwell on the South side, and flows along the South bank, on a level or lower than the bed of said River, and parallel with said River, to and past the point of diversion of said first above named canal, and completely and effectively cuts off and intercepts and prevents all waters, either above or below the surface, from returning to said Boise River from the South side between said points; and the Siebenberg Co-operative Canal is constructed in like manner, with relation to said River, along the North side, and prevents all waters from returning to said River from the North side thereof between said points.

That in the month of July of each of the years from 1905 to 1912 the waters of said Boise River ceased to flow and failed entirely at the diversion point of said canal and the said river bed was entirely dry both below and above said diversion point up to the Canyon at Caldwell, and so remained during each of said years until the Water Commissioner took charge of said River and controlled the diversion of water therefrom, and caused said waters to flow past the upper canals on said River in quantities sufficient to supply the canals below said Canyon; and during said period said canal was entirely dry and the land owners thereunder were wholly unable to secure any water for irrigation.

Subscribed and sworn to before me this 1st day of August 1912 at Caldwell Idaho. *L. E. York*

IN THE OFFICE OF THE STATE ENGINEER

STATE OF IDAHO.

In The Matter of the Application
of H.L. Randall, et al., for the
Change of Diversion Point and
Transfer of Water Right.

A F F I D A V I T.

State of Idaho)

ss.

County of Canyon)

J. H. McLaughlin

BEING FIRST duly sworn, upon his oath, 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, and now is, and during all of the times herein mentioned has been, the owner of lands and the right to the use of the waters of Boise River diverted through the Canyon Water Canal and during the years 1907 to 1912 inclusive has so diverted said waters through said canal and used the same for irrigation purposes upon said lands. That in the month of July of each of the years from 1905 to 1912 the waters of said Boise River ceased to flow and failed entirely at the diversion point of said canal and the said river bed was entirely dry both below and above said diversion point up to the Canyon at Caldwell, and so remained during each of said years until the Water Commissioner took charge of said River and controlled the diversion of water therefrom and caused said waters to flow past the upper canals on said River in quantities sufficient to supply the canals below said Canyon. That during said period said canal was entirely dry and the land owners thereunder were wholly unable to secure any water for irrigation. That affiant is familiar with said River between the diversion point of said canal and said Canyon, and there are no channels or courses, either on the surface or underneath the surface of the ground, between said points, through which any water can or does flow into said River during the period of low water in said River, or during the months of July, August and September of each year.

J. H. McLaughlin

Subscribed and sworn to
before me this 25th day of November, 1912.

Notary Public.

IN THE OFFICE OF THE STATE ENGINEER

STATE OF IDAHO.

In The Matter of the Application
of H.L.Randall, et al., for the
Change of Diversion Point and
Transfer of Water Right.

A F F I D A V I T.

State of Idaho)
SS.
County of Canyon)

A. P. Alexander

BEING FIRST duly sworn, upon his oath, 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, and now is, and during all of the times herein mentioned has been, the owner of lands and ^{of} the right to the use of the waters of Boise River diverted through the American Ditch ^{Canal} and during the years 1906 to 1912 inclusive has so diverted said waters through said canal and used the same for irrigation purposes upon said lands. That in the month of July of each of the years from 1906 to 1912 the waters of said Boise River ceased to flow and failed entirely at the diversion point of said canal and the said river bed was entirely dry, ^{at and near} ~~both below and above~~ said diversion point ~~up to the Canyon at Caldwell~~, and so remained during each of said years until the Water Commissioner took charge of said River and controlled the diversion of water therefrom and caused said waters to flow past the upper canals on said River in quantities sufficient to supply the canals below said Canyon. That during said period said canal was entirely dry and the land owners thereunder were wholly unable to secure any water for irrigation. That affiant is familiar with said River between the diversion point of said canal and said Canyon, and there are no channels or courses, either on the surface or underneath the surface of the ground, between said points, through which any water can or does flow into said River during the period of low water in said River, or during the months of July, August and September of each year.

Subscribed and sworn to
before me this 5th day of November, 1912.

A. P. Alexander
Notary Public.

IN THE OFFICE OF THE STATE ENGINEER

STATE OF IDAHO.

In The Matter of the Application
of H.L. Randall, et al., for the
Change of Diversion Point and
Transfer of Water Right.

A F F I D A V I T.

State of Idaho)

County of Canyon)

D. D. Campbell

BEING FIRST duly sworn, upon his oath, 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, and now is, and during all of the times herein mentioned has been, the owner of lands and the right to the use of the waters of Boise River diverted through the Canyon Ditch Co Canal and during the years 1902 to 1912 inclusive has so diverted said waters through said canal and used the same for irrigation purposes upon said lands. That in the month of July of each of the years from 1905 to 1912 the waters of said Boise River ceased to flow and failed entirely at the diversion point of said canal and the said river bed was entirely dry both below and above said diversion point up to the Canyon at Caldwell, and so remained during each of said years until the Water Commissioner took charge of said River and controlled the diversion of water therefrom and caused said waters to flow past the upper canals on said River in quantities sufficient to supply the canals below said Canyon. That during said period said canal was entirely dry and the land owners thereunder were wholly unable to secure any water for irrigation. That affiant is familiar with said River between the diversion point of said canal and said Canyon, and there are no channels or courses, either on the surface or underneath the surface of the ground, between said points, through which any water can or does flow into said River during the period of low water in said River, or during the months of July, August and September of each year.

D. D. Campbell

Subscribed and sworn to
before me this 8th day of November, 1912.

[Signature]
Notary Public.

State Engineer of the State of Idaho:

In the matter of the application of H. T. Randall and others
for the transfer of water right.

P R O T E S T.

--o--

To Honorable A. E. Robinson, State Engineer of the State of Idaho,
and to Honorable John W. Cage, Water Commissioner for the Third
Division of the State of Idaho:

Comes now the Settlers Irrigation District, protestant, and
says:

That it is organized by virtue of and pursuant to the laws of
the State of Idaho and as such district is the owner of water rights
in Boise River amounting to 8625 miners inches, diverted through
what is commonly known as the Settlers Canal at a point near the
Fairview Avenue bridge, Boise, Idaho.

That under said ditch and irrigated therefrom by said water are
about 12,000 acres of land.

That it adopts and makes a part of this its protest against
the change of place of use of the 30.9 second feet of the waters
of said river mentioned in said application, the allegations and
protests now on file herein, and adopts in support thereof the
affidavits now on file in support of such protests and each of them,
and prays that said order be not made, and for such further orders
herein as will protect fully the said water rights of this
protestant.

This the 30th day of October, 1912.

W. E. Zimkey

Residing at Boise, Idaho, Attorney
for Settlers Irrigation District.

*Adopted on behalf of
Middleton water & Co.
Middleton Mill & Co.
Perry & Crow
Boise Idaho*

Copy
#

State Engineer of the State of Idaho:

In the matter of the application of H. T. Randall and others
for the transfer of water right.

P R O T E S T.

--0--

To Honorable A. E. Robinson, State Engineer of the State of Idaho,
and to Honorable John W. Cage, Water Commissioner for the Third
Division of the State of Idaho:

Comes now the Settlers Irrigation District, protestant, and
says:

That it is organized by virtue of and pursuant to the laws of
the State of Idaho and as such district is the owner of water rights
in Boise River amounting to 8625 miners inches, diverted through
what is commonly known as the Settlers Canal at a point near the
Fairview Avenue bridge, Boise, Idaho.

That under said ditch and irrigated therefrom by said water are
about 12,000 acres of land.

That it adopts and makes a part of this its protest against
the change of place of use of the 30.9 second feet of the waters
of said river mentioned in said application, the allegations and
protests now on file herein, and adopts in support thereof the
affidavits now on file in support of such protests and each of them,
and prays that said order be not made, and for such further orders
herein as will protect fully the said water rights of this
protestant.

This the 30th day of October, 1912.

IRA E. BARBER

Residing at Boise, Idaho, Attorney
for Settlers Irrigation District.

July 2, 1932

Re: Transfer of Water Right No. 111

HUGH E. McELROY, Esquire
Attorney-at-Law
Eastman Building
Boise-Idaho

Dear Sir:

In looking through Transfer File No. 111, I do not find the deeds or abstracts. It is the present practise to demand the deeds at time of application for transfer, after which the deeds are return to the applicant.

I do not know whether this was the practise in 1912 or not.

Very truly yours,

Assistant Commissioner
of Reclamation

HUGH E. MCELROY
FRANK E. CHALFANT

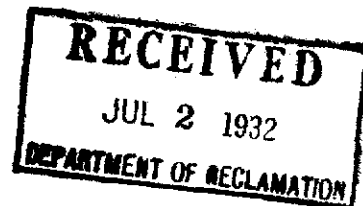
SUITE 501
IDAHO BUILDING
PHONE 86

MCELROY & CHALFANT

ATTORNEYS AT LAW

BOISE, IDAHO

July 1, 1932.



Hon. R. W. Faris,
Commissioner of Reclamation,
Capitol Bldg.,
City.

Dear Sir:

I desire to secure the following information relating to the application of H. L. Randall and others for transfer of 1545 inches of water from Pioneer Dixie Ditch Company's canal and American Ditch Association canal and the order relating thereto appearing on your records as Transfer 111, dated Nov. 25, 1912, which purports to authorize the transfer of 1077 inches to the Hillcrest Irrigation District. The application indicates that deeds and abstracts were on file but I was not able to find them when I recently made an examination. Would you kindly advise if any such deeds or abstracts can now be found in your office. If so, I will call to examine them.

Very truly,

Hugh E. McElroy.

Affidavit of Publication

STATE OF IDAHO, }
County of Canyon. } ss.

Geo D Wheeler being duly sworn, deposes and says
that he is *Chief Clerk* of the TRIBUNE PRINTING AND PUBLISHING
COMPANY, publishers of THE CALDWELL TRIBUNE, a weekly newspaper published
at Caldwell, Idaho; that the said paper is in general circulation in the County aforesaid, and
has been for a period of one year preceding first publication of this advertisement, a copy of
which is attached hereto, was published in the regular edition of said CALDWELL
TRIBUNE *Sept 20* consecutive weeks, beginning with the
issue of *1912*, and ending with the
issue of *Oct 25* 1912.

Subscribed and Sworn to before me this *25th*

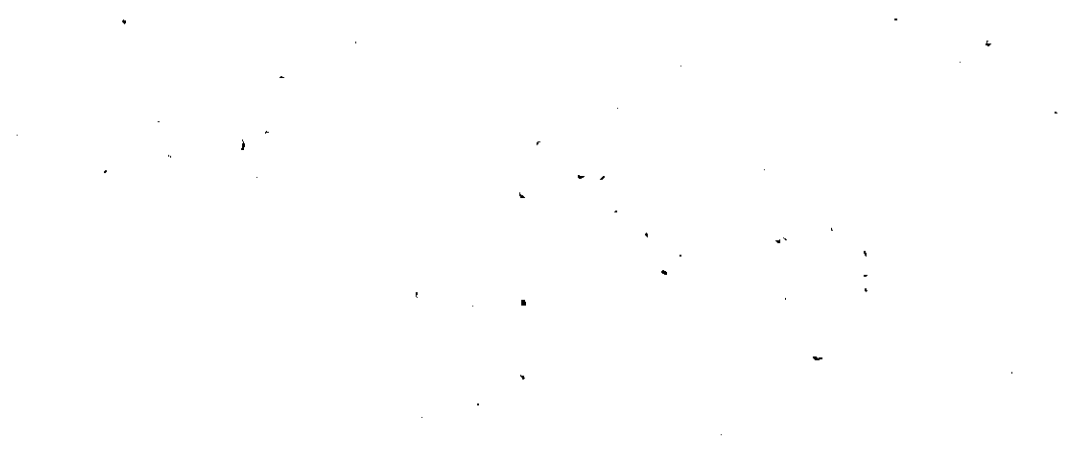
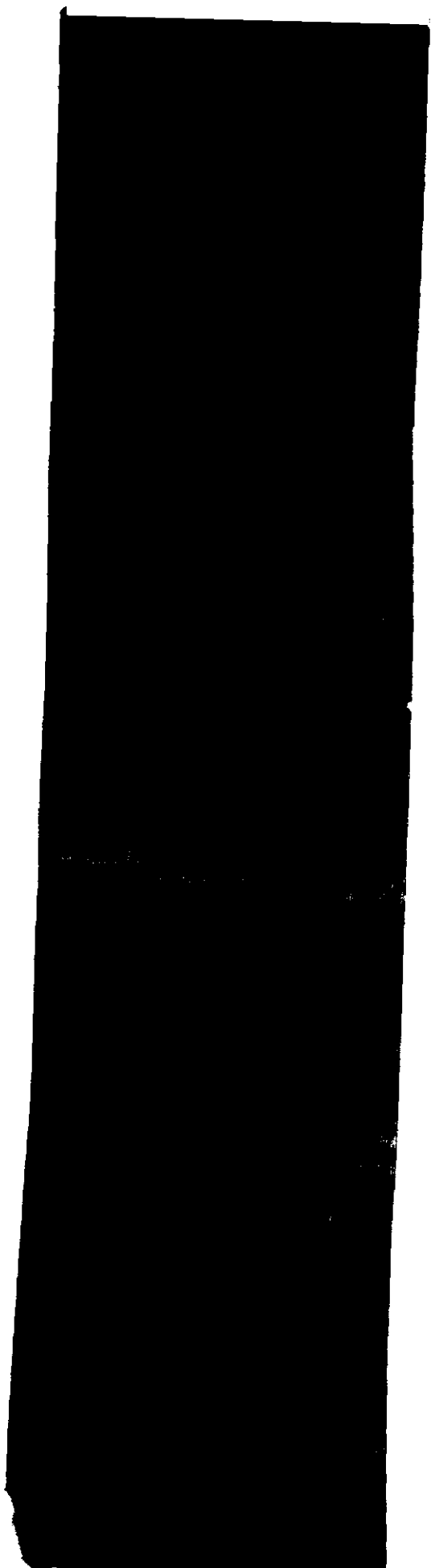
day of

Oct

19*12*.

Kate Morrow

Notary Public.



I, Fred H. McConnell, do hereby certify that I am a Licensed Surveyor of Caldwell, Idaho, and that this map shows the location of certain lands described in the petition of H. L. Randall et al, for proposed transfer of water rights in Boise River, as described in Notice of Proposed Change

Fred H. McConnell

MAP OF AMERICAN AND EUREKA DITCHES ALSO

PIONEER DIXIE



SUBJECT:

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE

BOISE, IDAHO.

August 20, 1912.

From - Assistant Engineer W. G. Steward.

To - Project Manager.

Subject - Seepage gains, Boise River.

1. On July 29th and on August 12th of this year I made seepage measurements along the Boise River to determine the return flow and as there has been some question as to the amount of return water into the Boise River below the Canyon on account of the water shortage at this time, I give herewith the results of measurements made below the Caldwell Canyon for 1911 and 1912:

August 14, 1911,	the seepage gain between Canyon and Notus was	22.6	sec.ft.
Sept. 6, 1911,	do.	45.0	"
July 29, 1912	do.	57.79	"
August 12, 1912,	do.	45.81	"

State of Idaho
OFFICE OF
Water Commissioner Third District
JOHN W. CAGE, COMMISSIONER

BOISE, IDAHO, November 16, 1912.

Mr. A. E. Robinson,
State Engineer,
Boise, Idaho.

Dear Sir:

IN THE MATTER OF THE APPLICATION
of

H. B. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer
I Clark, W. T. Booth, and John Daly, of Boise, Idaho, to transfer
1545 inches of water from land below Caldwell to land above
Boise.

After careful consideration of the evidence and the conditions which exist, I feel in justice to all parties that I should make the following recommendations:

With reference to the 468 inches of water proposed to be transferred from Section 25, Section 26 and Section 27, 5 N., and 5 West, will say that the Government Report shows a return flow of water to the River above these lands near Notus to the amount approximating 50 second feet; as these lands are below this point, the evidence shows that the return flow of water is more than is necessary to take care of rights below that point. For these reasons we eliminate the said 468 inches of water.

With reference to the 1077 inches of water proposed to be transferred from the Pioneer, Dixie and American canals, I think probably this amount of water might be transferred without injury to the users along the river if it would be possible to make this transfer and deduct 20% of said water at the new point

*Cannot
be struck*

State of Idaho
OFFICE OF
Water Commissioner Third District
JOHN W. CAGE, COMMISSIONER

2.

BOISE, IDAHO.

1077
8616
of diversion. In other words, I mean that the transfer from the place of the present point of diversion should be the full amount, 1077 inches, and should be delivered at the new point of diversion 20% less, allowing the said 20% to flow in the Boise River to make up for the loss by evaporation on account of the diminished flow occasioned by the diversion of this water from thirty miles above the original point of diversion. I do not know whether such an arrangement could be made or not, but the transfer of these water rights should necessarily all be made subject to the duty of water hereafter to be fixed by the courts. It is understood that the 1077 inches of water in question, as it now stands, is supposed to be a decree allowed by Judge George H. Stewart and the duty of water fixed by him as one inch per acre.

However, in making these recommendations, I wish to call your attention to the fact that if the transfer of this amount of water from below the Canyon at Caldwell is made, in my opinion, it will be impossible to make any further transfers of waters whose point of diversion is below the canyon to any point above the Farmers Co-Operative Ditch Company's ditch which is located just below the canyon where the wagon bridge crosses the river.

Under the above conditions, I hereby recommend that the 1077 inches, as aforesaid, be transferred to the point of diversion mentioned in the application.

Very respectfully submitted,

John W. Cage
WATER COMMISSIONER,
Division No. 3.

APPLICATION FOR THE TRANSFER OF WATER RIGHT.

STATE OF IDAHO,)
) ss.
COUNTY OF ADA.)

H. L. Randall, E. L. Clark, W. H. Thompson, J. W. Brose, Homer
I. Clark, W. T. Booth, John Daly

each being first duly sworn, and each for himself and not one for the
other, depose and say:

That their names are H. L. Randall, E. L. Clark, W. H. Thompson,
J. W. Brose, Homer I. Clark, W. T. Booth, John Daly

that they are of lawful age, citizens of the United States and of the
State of Idaho, and that their post office address is Boise, Idaho; that
they are the owners and using a certain water right of Thirty and 9/10ths
(30.9 cu. ft.) cubic feet per second, being Fifteen Hundred (1545 in.) and
Forty-five
inches of water measured under 4-in pressure of the waters of Boise
River, county of Canyon, state of Idaho, decreed to the lands lying un-
der the Pioneer Dixie Ditch Company's canal system, and to the lands
owned and held by John R. and Julia Mammen, and to the lands lying un-
der the American Ditch Association's canals, by decree of Judge George
H. Stewart, Judge of the Seventh Judicial District of the state of Idaho,
an and for the county of Canyon, in the case of The Farmer's Cooperative
Ditch Company, Plaintiff, vs. The Riverside Irrigation District, et al.
Defendants; said decree bearing date of January 18, 1906,

For the purpose of irrigating the following described lands, situ-
ated, lying and being in the county of Canyon and state of Idaho, to-wit:

468 in. of water measured under 4-in. pressure, decreed as above to
John R. and Julia Mammen, appurtenant to and used upon Lots Seven (7) and
Eight (8) Section Twenty-five (Sec. 25); the southeast quarter (SE $\frac{1}{4}$) and
the south one-half (S $\frac{1}{2}$) of the southwest quarter (SW $\frac{1}{4}$) and Lots Five (5)
Six (6), Seven (7), Eight (8), Nine (9), of Section Twenty-six (Sec. 26),
Lots One (1), Two (2), Three (3) of Section Twenty-seven (Sec. 27), all
in Township Five North (Twp. 5 N), Range Five West (R 5 W), B.M.

1,017 inches of water measured under four inch pressure, decreed as above to the lands under the Pioneer Dixie Ditch Company canals, and appurtenant and used upon the following described lands as follows:

100 inches of water measured under four inch pressure upon the east one-half ($E\frac{1}{2}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section Twenty-three(23) and the East One-half ($E\frac{1}{2}$) of the southeast quarter ($SE\frac{1}{4}$) of Section 14, Township 4 North, Range 4 W., B.M.;

374 $\frac{1}{2}$ inches of water measured under four inch pressure upon the East One-half ($E\frac{1}{2}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section 14, and the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 14, and the southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section 14, and the North One-half($N\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section 14, and the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 14; also Lots Ten (10) in Section Twelve (12) and the East One-half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 13, all in Township 4 N. Range 4 W., B.M.;

200 inches measured under 4-in. pressure upon Lots Seven (7) and Eight (8) of Section 18, in Township 4 North, Range 3 W., B.M., and the Southeast Quarter ($SE\frac{1}{4}$) of Section 13, Township 4 North, Range 4 W., B.M., excepting the lands described in that one certain deed recorded in Book 50 of Deeds at Page 362 of the records of Canyon County, said portion excepted being a strip of land 104 feet in width off the south side of the southwest quarter ($SW\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$) of Section 18, Township 4 north, Range 3 W., and a strip of land 104 feet in width off the south side of the southeast quarter ($SE\frac{1}{4}$) of Section 13, Township 4 N., Range 4 W., B.M., more particularly described as follows to-wit: Beginning at the southeast corner of the southwest quarter ($SW\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$) of Section 18, Township 4 North, Range 3 W., B.M.; running thence 104 feet north; thence west to the center line of Section 13, Township 4 North, Range 4 W., B.M.; thence south 104 feet to the south line of section 13; thence east to the point of beginning, being a strip of land deeded to the Riverside Irrigation District;

100 inches measured under 4-in. pressure upon the fractional southwest quarter ($SW\frac{1}{4}$) of Section 17, Township 4 N., Range 3 W., B.M., con-

taining 155.65 acres;

120 inches of water measured under 4-in. pressure upon the southwest quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the west One-half ($W\frac{1}{2}$) of the southwest quarter ($SW\frac{1}{4}$) of Section 13, Township 4 N., of Range 4 W., B.M;

65 inches of water measured under 4-in. pressure upon all of the northeast quarter ($NE\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$) of Section 18, Township 4 North, Range 3 W., B.M., excepting therefrom 8 acres as follows: Beginning at the northwest corner of said northeast quarter ($NE\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$), and running thence south 59 30' east 552 feet to a stone; thence south 80 45' east 838 feet; thence north 400 feet to a palm tree on the south bank of a slough; thence easterly along the slough to the east line of the said northeast quarter ($NE\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$); thence north to the northeast corner of said northeast quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$); thence west a quarter of a mile to the place of beginning; and upon

57 1/2 inches measured under 4-in. pressure upon the following tract: $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of Sec. 20, Twp. 4 N. R. 3 W., B.M., save and except the following piece and portion of land which has been heretofore conveyed by the first parties herein;---Commencing at a point 25 ft. W of the SE corner of the $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ of Sec. 20, Twp. 4 N. R. 3 W. thence due N to the center line of the canal of the Riverside Irrigation District; thence Wrlly along the center line of said canal to the W boundary line of said $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ of said Sec. 20; thence S on said W boundary line of said $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ of said Sec. 20; to the SW corner of the said $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ of said Sec. 20; thence E at right angles on the Southern boundary line of said $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ of Sec. 20, to the place of beginning; and upon other lands as follows:.....

The southwest quarter of the southwest quarter of Section Eleven, Town-
.....
ship Four N., Range Four West, B.M.....
.....

60 inches of water measured under 4-in. pressure decreed as above to the lands under the American Ditch Association's canals as follows:

50 inches of water under 4-in. pressure upon Lot Two (2), or the

Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Six (Sec. 6) Township Four North of Range Four West B.M. (Lot, Sec. 6 T.4 N. R.4 w. B.M.);

10 inches of water measured under 4-in. pressure upon lands as follows:..... All that portion of Lots Six and Seven of Section Six, Twp. Four N. Range Four W. B.M. lying north and east of the Riverside Canal. said last above 10 and 50 inches being represented by certificate of stock in American Ditch Association Company's canals.

And that we are the persons who have become the owners of the above mentioned and described water rights by conveyances and deeds as per abstracts of title of said water right hereto attached and made a part of this statement.

That said waters are now diverted from said stream as follows:

90 inches of the Mammen water from the south side of the Boise River in Section Twenty-five (Sec. 25.), Twp. 5 North, Range 5 W., B.M., and 210 inches of the John R. Mammen water is diverted from the Boise River at a point at the northwest corner of Section Thirty-six (Sec. 36), Twp. 5 North, Range 5 W., B.M., and 123 inches of the Julia Mammen water as decreed above is diverted from the Boise River at a point in the northwest corner of Section Thirty-six (Sec. 36), Twp 5 North, Range 5 W., B.M;

That the 1,017 inches of the Pioneer Dixie Ditch Company's water is diverted from a point on the south side of the Boise River near the center of the northeast quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 20, Twp. 4 North, Range 3 W., B.M.;

That the 60 inches under the American Ditch Association canal is diverted from the south bank of the Boise River at or near the southeast corner of the southwest quarter (SW $\frac{1}{4}$) of Section 16, Twp. 4 N. Range 3 W., B.M.

And that the Mammen water as above described is conducted to and upon the above described lands by private ditches; that the waters under the Pioneer Dixie Ditch Company's canals as described above are conducted upon the above described lands through the canals of the Pioneer Dixie Ditch Company; and that the waters mentioned above as diverted by the American Ditch Association are conveyed upon the above described lands by the canals of the American Ditch Association; that affiants and petitioners de-

sire to abandon the use of said fifteen hundred and forty-five inches of water upon the above described land and to convey and use same upon the following tract, situate, lying and being in the county of Ada, State of Idaho, to-wit: the lands under the proposed Hillcrest Irrigation District; Namely, All of the Southwest quarter of Section Twenty-~~nix~~ ^{nine}, south of the Government Canal; the south half of the southeast quarter and the east half of the northwest quarter of the southeast quarter of Section Twenty-six; the west half of Section Thirty-four; the southeast quarter of Section Thirty-four, and the south half of the northeast quarter and the northwest quarter of the northeast quarter of Section Thirty-four; the north half of Section Thirty-three, and the north half of the southeast quarter of Section Thirty-three; all of Section Twenty-seven south of the Government Canal; the south half of Section Twenty-eight and the south half of the northeast quarter of Section Twenty-eight; the northwest quarter of Section Twenty-eight; the east half of the southwest quarter and the southwest quarter of the southwest quarter of Section Twenty-nine; the southeast quarter of Section Twenty-nine, and the south half of the northeast quarter of Section Twenty-nine; and all that portion of the northwest quarter of the northeast quarter of Section Twenty-nine south of the Government Canal; and all that portion of the east half of Section Thirty east of the Government Canal; the Northeast quarter of Section Thirty-two, and the north half of the southeast quarter of Section Thirty-two; the south half of the northwest quarter of Section Thirty-two and all of that portion of the north half of the northwest quarter of Section Thirty-two lying east and south of the Government Canal; all of the Southeast quarter of the northeast quarter of Section Thirty-one; all in Township Three N., Range Two E., B.M., Ada County, Idaho.

That the new point of diversion will be the diversion point on the Boise River where the waters are diverted by the Government Canal, said point of diversion being located in the northwest corner of the southwest quarter ~~of Section Three, Township Two North, Range Three East, B.M., Ada County, Idaho.~~ of Section Three, Township Two North, Range Three East, B.M., Ada County, Idaho. A map showing the canal system of the proposed Hillcrest Irrigation District is filed herewith and made a part of this application.

That their reasons for desiring to make such a transfer are as follows:

That they are the principal owners of the lands within the above-mentioned proposed irrigation district, and that these lands are arid in character, and because of their location are extremely valuable after being watered; that arrangements have been fully completed whereby water can be conveyed through the New York Canal to a point from which the water may be pumped to the lands under said proposed Hillcrest Irrigation District; that the lands from which these waters are taken are of little value and the water alone is of more value for use on the lands to which it will be transferred than land and water in their present location; that they intend to divert and convey said fifteen hundred and forty-five inches of water to the tract of land last above described in the following manner, to-wit: By diverting the same from the Boise River through the Government Canal to a point bordering upon said proposed Hillcrest Irrigation District hereto attached, and from which point a pumping station will be maintained.

That no one will be injured by such transfer.

WHEREFORE, Affiants and petitioners pray that the state engineer of the state of Idaho issue to them 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 of House Bill No. 146 of the laws of the Seventh Session of the Legislature of the state of Idaho.

H. L. Randall
E. L. Clark
W. H. Thompson
J. W. Brase
Howard S. Clark

W. D. Smith
John D. Daly
R. S. Shaw

Subscribed and sworn to before me this... 7th
.....day of Sept....., A. D. 1912.

E. H. Hulser

Notary Public.

STATE OF IDAHO,)
COUNTY OF Canyon) ss.

AFFIDAVIT.

J. L. Powell and C. F. Feigher
being first duly sworn each for himself and not one for the other
depose and says;

That he is a citizen of the United States and of the State
of Idaho, residing at Birdwell;
that he is a user of water from Boise River, County of Canyon
....., state of Idaho; that he has read or heard read the fore-

going affidavit and petition of H. L. Randall, E. L. Clark,
W. A. Thompson, J. O. Pross, Homer J. Clark
W. F. Borch, John Daly
.....
.....

and is familiar with its allegations and with the water rights
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.

J. L. Powell
C. F. Feigher

Subscribed and sworn to before me this
day of September 1912.

[Signature]

Notary Public.

STATE OF IDAHO,

COUNTY OF

ss.

I, W. G. McConnell, Watermaster of Boise River District
County of Canyon & Ada State of Idaho, whose postoffice address is
Caldwell Idaho

have read or heard read the foregoing affidavit and petition of N. L. Randall et al., 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:

W. G. McConnell
Watermaster.

Boise
Nov. 18th 1912

Notice having been duly published for thirty days of the intention of the above named Parties

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 Caldwell, on Oct 25th 1912, according to the terms of said notice;

And it ~~not~~ appearing at said hearing that some injury would result by transfer of the full amount ~~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 in part as outlined by my recommendations, hereto attached ~~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-----

----- *See Recommendations of Water Commissioner* -----

I hereby recommend that the State Engineer do ~~not~~ issue the certificate authorizing the transfer sought ~~hereinafter~~. *as outlined by my recommendation*

----- *John W. Cope* -----
Commissioner of Water Division No. ~~2~~ *3*

By-----