

| TRANSFER NO. | NAME                  | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO. |
|--------------|-----------------------|------------------|-------------------|--------------|
|              | Underwood, William C. | 2.00             |                   | 29-0492      |
| 1084         | Horsley, Raymond E.   | 0.08             | 1.92              | 29-0492A     |

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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

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In the Matter of the Application of )

E. Raymond Horsley  
                  of  
Downey, Idaho )

ORDER GRANTING TRANSFER

NO. 1084

For a Transfer of Water Right  
in the County of Bannock,  
State of Idaho; )

WHEREAS, On the 28th day of April, 1967, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of E. Raymond Horsley of Downey, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form, and,

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 8th day of May, 1967.

(SEAL)

s/

R. KEITH HIGGINSON

R. KEITH HIGGINSON  
State Reclamation Engineer

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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

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TRANSFER OF DECREED WATER RIGHT  
TRANSFERRED RIGHT NO. 1084

THIS IS TO CERTIFY, That E. Raymond Horsley of Downey, Idaho, is the owner of and using a certain water right of 0.08 cubic feet per second of Unnamed Hot Springs, decreed April 14, 1917, to William C. Underwood, by decree of Judge J. J. Guheen of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, in the case of

WILLIAM C. UNDERWOOD,

Plaintiff

vs.

ALEXANDER MARSHALL,

Defendant

said action bearing date of March 28, 1917, and being appurtenant to the following described lands, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 12, Township 12  
South, Range 37 E. B. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 6 of Decrees at Page 1239;

That said E. Raymond Horsley has become the owner of said water right by purchase;

And that now, upon the application of E. Raymond Horsley 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 0.08 cubic feet per second of the waters of Unnamed Hot Springs upon the above described lands is hereby abandoned, and the lands to be irrigated under such right and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation and domestic purposes, is described as follows, to-wit:

2 acres located approximately  
1400 feet east and 150 feet  
north of the SW corner of  
Section 12, in the SW $\frac{1}{4}$ , Sec-  
tion 12, Township 12 South,  
Range 37 E. 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:

4 miners <sup>inches</sup> ~~of~~ 0.08 cubic feet  
per second of the waters of  
Unnamed Hot Springs, decreed  
April 14, 1917!

That the water right hereby transferred has heretofore been conducted to the first described lands through a ditch with point of diversion in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Section 12, Township 12 South, Range 37 E. B. M.,

That the water right hereby transferred will hereafter be conducted from a point in the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 12, Township 12 South, Range 37 E. 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 8th day of May, 1967.

(SEAL)

s/

R. KEITH HIGGINSON

R. KEITH HIGGINSON  
State Reclamation Engineer

RECORDED

May 8, 1967

Re: Transfer of Water  
Right No. 1084

Mr. E. Raymond Horsley,  
Downey, Idaho.

Dear Mr. Horsley:

We are enclosing Order Granting Transfer and Certificate of Transfer of Decreed Water Right No. 1084, together with Departmental Receipt No. 33769, which was issued covering payment in the amount of \$1.00 for the recording fee of the above mentioned transfer.

Very truly yours,

DONALD J. WATTS  
Engineer

Encl: Certificate No. 1084  
Receipt No. 33769  
DJW:pak

UNRECORDED

RECEIVED  
MAY 2 1967

Department of Reclamation

## PROOF OF PUBLICATION

STATE OF IDAHO )  
 ) ss.  
County of Bannock )

Rose L. Jones

being first duly sworn, on his oath, deposes and says:

That he is a citizen of the United States of America, over the age of 21 years; that he was at all times herein mentioned the principal Clerk of The Intermountain, a weekly newspaper published at Pocatello, County of Bannock, State of Idaho, and having a general circulation therein.

That said deponent, during all times mentioned in this affidavit, has had and still has charge of all the advertisements in said newspaper; that the **Notice of Proposed Transfer** of which the annexed is a true printed copy, was published in the said Intermountain on the following dates, to-wit:

April 4, 16, 1967

That said newspaper has been consecutively, continuously and uninterruptedly published in said county for a period of 78 weeks prior to publication of said notice, and is a "newspaper" within the meaning of the laws of Idaho.

Rose L. Jones  
SUBSCRIBED and sworn to before me this 14<sup>th</sup> day

of April, 1967

Ray E. Brown  
Notary Public, Pocatello, Idaho

My commission expires: 7-15-67

GATEWAY PRINTERS--POCATELLO

### THE INTERMOUNTAIN

#### Legal Notices

##### NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that E. Raymond Horsley of Downey, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and place of use of the waters of Unnamed Hot Springs as follows: Amount: .08 cubic feet per second. Decreed April 14, 1917 Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 12, Township 12 S Range 37 E., B. M. Place of Use: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 12, Twp. 12 S., Rge. 37 E.B.M.

##### To Be Transferred To

Point of Diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 12, Township 12 S. Range 37 E.B.M. Place of Use: 2 A. in S $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 12, Twp. 12 S., Rge. 37 E.B.M.

And that on the 28th day of April, 1967, at 10:00 o'clock A.M. at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, 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.

R. KEITH HIGGINSON  
State Reclamation Engineer  
April 6, 13, 1967

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DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
107 STATE HOUSE  
BOISE, IDAHO 83701

April 28, 1967

#100 received  
**RECEIVED**  
MAY 2 1967

Department of Reclamation

Re: Transfer of Water Right

Mr. E. Raymond Horsley,  
Downey, Idaho 83234

Dear Mr. Horsley:

As there were no protests in connection with your transfer of water right, we will issue your Certificate of Transfer of Water Right upon receipt of the \$1.00 recording fee and the Affidavit of Publication, which the Intermountain will furnish you.

Very truly yours,

*Donald J. Watts*  
DONALD J. WATTS  
Engineer

DJW:pmk

P.S. Before issuing the Certificate, we would appreciate receiving the "metes and bounds" description of your land.

I AM GOING TO USE THE WATER ON A 2 ACRE  
PLOT OF GROUND ADJOINING THE HOT SPRINGS LOCATED  
APPROX 1400 FEET EAST AND 150 FEET NORTH OF THE  
SW CORNER OF SECTION 12, WHICH MAKES IT THE  
SE 1/4 SW 1/4 SEC 12 T 12 S RANGE 37 E BM

MICROFILMED

April 28, 1967

Re: Transfer of Water Right

Mr. E. Raymond Horsley,  
Doonay, Idaho 83234

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Very truly yours,

DONALD J. WATTS  
Engineer

DJW:pak

P.S. Before issuing the Certificate, we would appreciate receiving the "metes and bounds" description of your land.

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C  
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February 21, 1967

C  
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Clerk, County Recorder,  
Bannock County,  
Pocatello, Idaho 83201

Dear Sir:

Will you please send us a copy of the William C.  
Underwood vs. Alexander Marshall decree, as provided for  
by Idaho Code 42-1403. This case was handled by Judge  
J. J. Green and dated March 28, 1917.

Very truly yours,

ROBERT W. HAMILTON  
Supervisor of Water Distribution

RWH:pmk

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NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that E. Raymond Horsley of  
Downey, Idaho has applied to the State Reclamation Engineer of the  
State of Idaho for a certificate authorizing \_\_\_\_\_ to change the point of diversion  
and/~~the~~ place of use of the waters of Unnamed  
Hot Springs as follows:  
Amount: .00 cubic feet per second. ~~Priority:~~ Decreed April 14, 1912  
Point of diversion: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 12, Township 12S Range 37E, B.M.  
Place of Use: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec. 12, T 12S, R 37E

To Be Transferred To

Point of Diversion: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 12, Township 12S, Range 37E, B.M.  
Place of Use: 2A in SW  $\frac{1}{4}$  Sec 12, T 12S, R 37E

And that on the 28<sup>th</sup> day of April, 1967, at 10:00 o'clock A M.  
at \_\_\_\_\_, before the State Reclamation Engineer,  
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.

\_\_\_\_\_  
State Reclamation Engineer

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S T A T E   O F   I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho

April 4, 1967

Re:   Transfer of Water Right  
     E. Raymond Horsley

The Intermountain,  
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to      April 28, 1967      the date set for hearing; the expense of the publication is to be paid by the applicant      E. Raymond Horsley      of      Downey, Idaho to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.\*\*

Very truly yours,

R. KEITH HIGGINSON  
State Reclamation Engineer  
By

DONALD J. WATTS  
Engineer

\*\* If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

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NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that E. Raymond Horsley of  
Downey, Idaho has applied to the State Reclamation Engineer of the  
State of Idaho for a certificate authorizing him to change the point of diversion  
and ~~the~~ place of use of the waters of Unnamed Hot Springs as follows:  
Amount: .08 cubic feet per second. ~~Decreed April 14, 1917~~  
Point of diversion: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 12, Township 12 S Range 37 E., B.M.  
Place of Use: SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 12, Twp. 12 S., Rge. 37 E.B.M.

To Be Transferred To

Point of Diversion: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 12, Township 12 S., Range 37 E., B.M.  
Place of Use: 2 A. in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 12, Twp. 12 S., Rge. 37 E.B.M.

And that on the 28th day of April, 19 67, at 10:00 o'clock A. M.  
at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer,  
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.

R. KEITH HIGGINSON  
State Reclamation Engineer

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Please advertise in the  
Intermountain



**MICROFILMED**

# Application For Transfer of Water Right

STATE OF IDAHO

County of Ada

} ss.

E. Raymond Horsley, being first duly sworn, deposes and says:  
That his name is E. Raymond Horsley; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Downey, Idaho

That he is the owner and using a certain water right, <sup>decreed</sup> bearing date of priority of 14 April 1917 (The Hot Springs) for 4 minors inches cubic feet per second of the waters of can named spring County of Bannock, State of Idaho, decreed to William C. Underwood by decree of Judge J. J. Gehehen of the 5th Judicial District of the State of Idaho, in and for the county of Bannock, in the case of William C. Underwood vs. Alexander Marshall, said <sup>action</sup> decree bearing date of 28 March 1917 (or obtained by virtue of License No. \_\_\_\_\_, issued by the State Department of Reclamation of the State of Idaho, dated \_\_\_\_\_, 19\_\_\_\_, bearing date of \_\_\_\_\_, 19\_\_\_\_)

for the purpose of irrigating the following described lands situate, lying and being in Water District No. \_\_\_\_\_ in the County of Bannock and State of Idaho, to-wit: SW 4 SW 4, Section 12, Twp. 12S. Rge 37E B.M.

\_\_\_\_\_ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. Purchase with land.

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream in the SW 4 SW 4 of Section 12, Township 12S, Range 37E, B. M., and conducted to the above described lands through Ditch as per map herewith and of this affidavit made a part.

## CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of 4 minors inches cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Bannock and State of Idaho, to-wit: SW 4 SW 4 Section 12, Twp. 12S. Rge 37E B.M.  
2A in SW 4 SW 4

That reasons for desiring to make such transfer are as follows: A better farm plan.

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That he intends to divert and convey said 4 minor's inches second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

SE <sup>4</sup>/<sub>4</sub> SW <sup>4</sup>/<sub>4</sub> Section 12, Twp 12S. Rge 37E.BM.  
2 A in S <sup>2</sup>/<sub>2</sub> SW <sup>4</sup>/<sub>4</sub>

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

#### CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SE <sup>1</sup>/<sub>4</sub> of SW <sup>1</sup>/<sub>4</sub> of Section 12, Township 12S, Range 37E.BM. and thereafter conduct same to the above described land through the N.A. ditch, as per map appended.

That his reasons for desiring to make such change are as follows: A Better farm  
plan.

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

E. Raymond Horsley  
Applicant.

Subscribed and sworn to before me this 20<sup>th</sup> day of FEBRUARY, 1967.

M. Russell Smith  
Notary Public.

#### APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Stream from dec. red unnamed Spring  
Where is the diversion point located? SW <sup>1</sup>/<sub>4</sub> SW <sup>4</sup>/<sub>4</sub> Section 12 Twp 12S. Rge 37E.BM.  
Through what ditch is it now conducted? unnamed  
How much land is now irrigated by the water sought to be transferred? 2 Acres  
Give the description: SW <sup>4</sup>/<sub>4</sub> SW <sup>4</sup>/<sub>4</sub> Section 12 Twp 12S. Rge 37E.BM.

What is the total amount of water in inches, or second feet, dedicated to said land? 4 Minor inches

What kind of crops are being raised? Lawn

How much water per acre is now required to irrigate said land? unknown

What will be the effect on the land now irrigated, if the use of water on it is discontinued? land will be watered from permit G-31858

Give location of new point of diversion, if change is to be made SE 1/4 SW 1/4, Section 12 Twp 12 S. Rg 31 E.

Through what ditch will it be conducted after transfer? unnamed

How much water will be required per acre to irrigate the land to which this water is transferred?

unknown

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source New application - subterranean

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source None

Signed E. Raymond Handley  
Applicant.

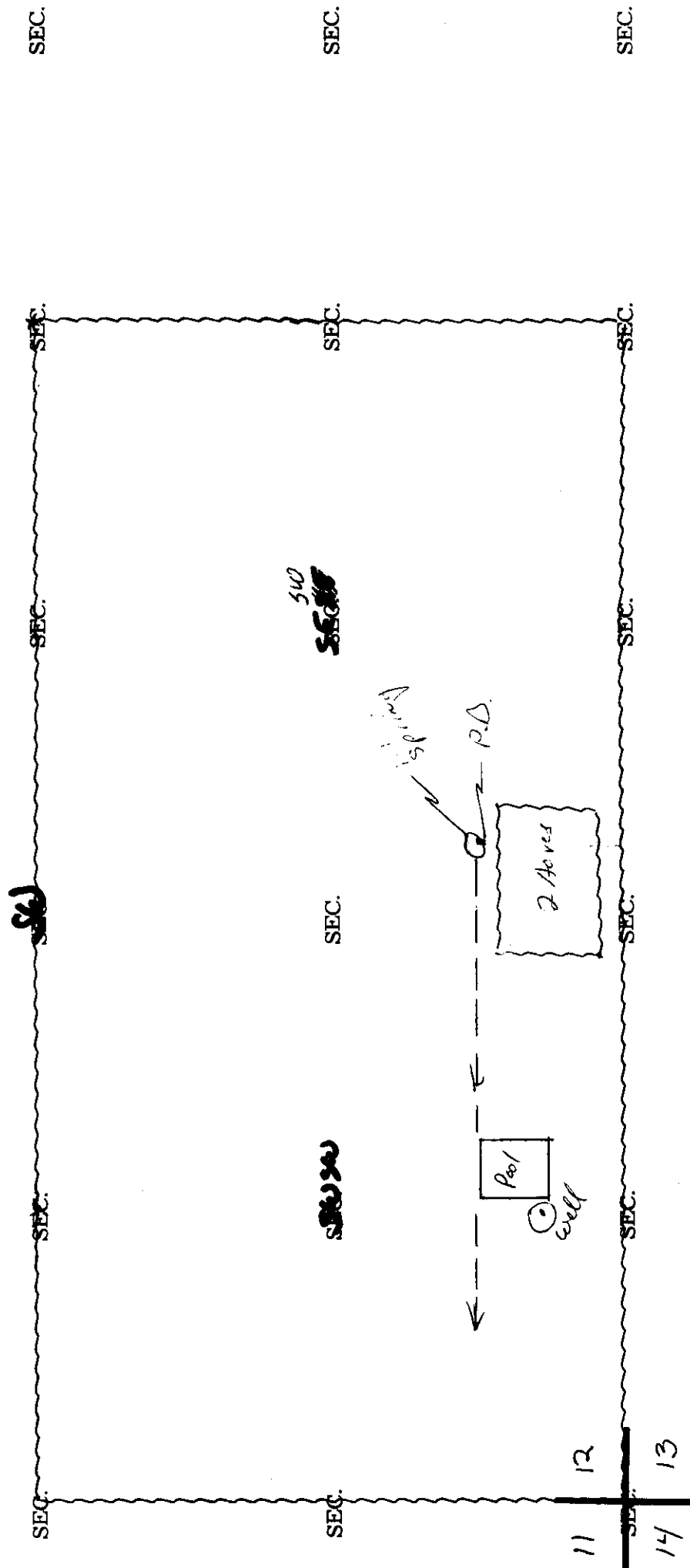
STATE OF IDAHO,  
County of } ss.

I, \_\_\_\_\_, Watermaster of \_\_\_\_\_  
Water District No. \_\_\_\_\_, County of \_\_\_\_\_, State of Idaho, whose postoffice address  
is \_\_\_\_\_, have read or heard read the foregoing affidavit and petition  
of \_\_\_\_\_, and, of my own knowledge, believe the same to be true  
as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;  
and I hereby endorse my approval of said petition, and request that the State Reclamation 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Watermaster, District No. \_\_\_\_\_

Dated at \_\_\_\_\_, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Name of Applicant.....



Scale: 2 Inches—1 Mile. Draw Map in Ink.