

April 15, 2013

RECEIVED

APR 19 2013

DEPARTMENT OF  
WATER RESOURCES

Gary Spackman, Director  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

Cc: Roger Totten, Watermaster District #34, PO Box 53, Mackay, Idaho 83251

Attachment: Reva Walker letter

Subject: MITIGATION REQUEST FOR THE 2013 IRRIGATION SEASON FOR WATER DISTRICT NO 34

In accordance with the IDAPA 37 Title 03 Chapter 12 of the Idaho Department of Water Resources Water Distribution Rules- Water District 34, this is a request for the Conjunctive Administration of Ground Water and Surface Water Rights (Rule 50) for the lower part of the Lost River Valley-District 34 during the 2013 irrigation season as provided in the Idaho Administrative Code by the Department of Water Resources.

Mitigation will not be of any value if it is conducted only in the early part of the irrigation season. Some decrees could end as early as June while most would not go off until the end of July or mid August depending on the weather. When the decrees go off, this is the time that mitigation needs to take place to extend these decrees through the irrigation season.

We the undersigned request implementation and adherence to Rule 50 of the IDAPA 37.03.12-Department of Water Resources Water Distribution Rules – District 34 for the irrigation season 2013 for the following water rights:

Kenneth Bell- Water Rights 34-518-320 inches 6-30-1890; 34-418B-80 inches 5-1-1892

*Kenneth O Bell*

Marc Hansen and North 40 Partners L.C. -Water Rights 34-14318-40 inches 10-2-1885; 34-33 40 inches 10-2-1885 34-14316 52 inches 9-24-1900

Marc Hansen

NORTH 40 PARTNERS L.C. Bruce Jank

---

Josephine Spraker Water Rights 34-106-11 inches 6-1-1887; 34-108-80 inches 7-1-1887; 34-109-23 inches 8-1-1888; 34-179-65 inches 7-1-1887; 34-302 106 inches 4-22-1889; 34-394-30 inches 6-1-1890; 34-487-65 inches 10-20-1901; 34-521-115 inches 6-1-1887; 34-904-60 inches 5-1-1886.

Bill Mon

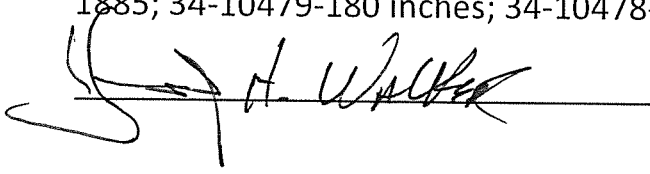
James Rindfleisch- Water Rights 34-234B-8 inches 6-1-1880; 34-244D 110 inches  
10-2-1885

*James R. Rindfleisch*

Mark Roberts-Water Rights 34-394-30 inches 6-1-1890.

Mark Roberts

Harvey Walker Water Rights 34-3B-70 inches 6-1-1887; 34-10476-37 inches 5-1-1885; 34-10479-180 inches; 34-10478-80 inches 5-1-1892.

A handwritten signature in black ink, appearing to read "Harvey Walker", is written over a solid horizontal line. The signature is stylized and cursive.

Reva Walker-Water Rights 34-789-155 inches 5-1-1892

Reva W. Walker



Reva W. Walker  
April 24, 1994  
Arco, Idaho 83213

## LOST RIVER VALLEY AND ITS WATER

My Grandfather, George Waite, was born in Bountiful, Davis, Co. Utah. As a young man, he went to Wyoming and worked on the railroad. He met a beautiful young lady and married her. He then operated a freight outfit between Afton, Wyoming, and Montpelier, Idaho. His wife died, 03 April, 1902, after complications of child birth. George moved his little family back to Bountiful, Utah, where his sister could care for his little family.

A former acquaintance of George encouraged him to come to Idaho and see the beautiful land here in the Lost River Valley. George rode the train to Arco, then took his bicycle which he brought with him on the train, and traversed the Lost River Valley.

The road north of Arco went along the hill because the valley had three streams of water, The Big Lost River, James Creek, and Spring Creek. In the spring of the year when the snow melted in the mountains and flowed down the stream beds, the land was often flooded because of so much water.

Homesteads were staked out and people started claiming various pieces of property, and proving their claims. This Lost River Valley with mountains on each side and streams bordered with willows, trees and shrubs with fish in the streams and various animals making their homes near by, was similar to the Star Valley in Wyoming. George purchased this farm in Sept. 1905 from the original homesteader. He had to finish clearing the land from sage brush. In the meantime he remarried and brought his oldest son, Albert, to Idaho to help with the work.

Under the Carey Act the lands west of Arco known as the Era Flats were homesteaded and the dam was built in Mackay to water those lands. It was with the understanding that the water that ran in the rivers and streams which flowed through the valley would not be affected. Such was not the situation.

The lands which had the 84 and earlier water rights and their water lane was near canal which carried the water to the flat. They did not seem to be affected.

When the drought came in the early '30's water ceased to run in the rivers and streams through the valley. Yet there was water in the Big Lost River south of Arco

from water which had resurfaced.

In the meantime, my grandfather moved into a house in Arco and worked on the railroad. My father moved from his little 40 acres ranch to his father's ranch in Dec. 1927. It was nearly three miles away. I remember this very well because I was 5 at this time, and I was permitted to go to school. The day that the folks moved was a school day and my father did not come to get my brother, sister and myself. We started walking because I remembered where the new ranch was. When Grandfather died, my father inherited 1/2 of the ranch, and then bought the other half in 1936. When my father died in 1955, my husband and I bought the ranch from my mother. I have lived on this ranch most of my life and know every inch of it and the water problems connected with it. I worked outside helping with the chores and doing work, more than I worked inside.

In the '30's dad leased sections 32 and 33 from the Era Flat and put up hay. Then in the winter time drove a team and hay rack 12 to 15 miles round trip per day to get hay to feed the cattle.

The people in the valley complained about their water being diverted from their lands out west. They decided to buy the water back by buying the dam which had been constructed for the Era Flat. To further and enhance the decision a leader from the L. D. S. Church in 1934 encouraged the L.D.S. peoples in the valley to stop quarreling over the water and purchase the dam. This was done. Enclosed is a copy of the proposed plan of operation from the 7th Judicial court 1936.

"page 2. Water stored in the Mackay Reservoir would be made available for equitable distribution among the land owners in the District."

In the 1960's there was a shortage of water. Through advanced technology and now electricity (Rural Electric) a net work of power weaves through the valley. The government subsidized wells for supplement water for the farms. This was great. Many

people drilled wells. Some used the wells for supplement irrigation by flooding; others put in hand lines; wheel line, and finally big center pivots.

When the water was transferred from Era Flat, the lands sold for 5 cents; 10 cents; 50 cents, and maybe a little more per acre. The County wanted to get the land on tax rolls. This land was used for dry land farming and pasture lands for summer ranges and for cattle.

When the supplemental wells for farms were being installed and used, many people who purchased the inexpensive tax land drilled deep wells below the Moore Diversion in this aquifer, pumped their water into the abandoned canal and again pumped the water into their sprinkling system. This dry farm land, and, or pasture land is now regular irrigated farm land. This is a Garden of Eden.

Peoples from the Mackay Dam and above the Mackay Dam have not experienced very much shrinkage of water because the water ran in the river to keep the aquifer at a high level.

People below the Moore Diversion and on the east side of the valley to Arco have experienced extreme drought because the water was and has been pumped from this area lowering the aquifer. It requires more water to make up the difference. It required more water to water the land because the water table is lowered.

From the Dam to Moore people are charged one rate of shrinkage, and from Moore to the Arco Diversion another and more rate of shrinkage.

There have been over 400 wells drilled in this area. House and stock wells have had to be drilled at each individual expense. Water that at one time ran in the streams during the various seasons were now dry and people had to provide other means to water their stock. These wells were drilled at each owners expense, not at the expense of the well owners who diverted the water out of the district. Out of the district some of the land owners have used much of this land as set aside, then break up more land and use the water on that land instead of the first initial land for which the water was appertenantto.

The water in this # 34 Basin was judicated in the 7th Judicial Court in 1936. Why do we need to go through this process again? I have paid for it once. Why the second time? Many individuals have protested the expansion using wells delivering water from this acquifier to another, but IDWR has not recognized our requests. I do not objects to wells. Wells need to be drilled on a person's own farm and used there and not transport water out of the local acquifier. If land is farmed out side of the #34 District and it needs water, drill a well there and use it.

We farmers are not the only individuals who feel this effect of water going out of the acquifier. Since the water is not running the river to build and recharge the acquifier, the city of Arco has had to drill another deep well for its use. It is extremely deep and expensive to operate because of its depth. If the acquifier were higher, the peoples and businesses in Arco would also benefit.

I have had a back hoe dig an open well and put three big drums in it and used a small centrifical pump to fill a tank to haul water to the cattle. One mile south of me several people had shallow wells for lands outside of the district. When those pumps were turned on, I could see the water in the drums lower an inch a day. The neighbors who had a meadow with water in it went dry.

Most rivers have an outlet to an ocean. In the Utah Basin the water from the rivers drain into the Great Salt Lake. In Yellowstone there is a lake called "The Two Ocean Lake." The north end flows into a stream which reaches the Missouri River, Mississippi River, then the Atlantic Ocean. The south end of the lake flows into a stream which reaches the Snake River , Columbia River, then the Pacific Ocean.

This #34 River Basin is not part of the Snake River Basin. The water comes from Copper Basin and North Fork, Antelope and a few other stream and flows into the Mackay Dam or into the River system. At several times the end of the river ended near Howe Idaho. This River does not have an outlet to an ocean. It is unique. I have taught this in schools and have shown the students maps of this drainage and many other river drainages.

I have stepped over the small ditch of water which is the source of the Salmon River near the Galena Summit. I have seen the Two Ocean Lake in Yelooystone Nation Park. I have swam in the Atlantic and Pacific Oceans because I had two sisters who lived near each. I have touched my hand in 4 of the Great Lakes. Yes, I have been almost to the four corners of the U. S.

Now getting back to this water. Under the Carey Act the water was diverted by means of dams and canals from the surface of the ground. Now it is diverted by pumping water from the acquifier which is fed by the surface water then put into canals outside of the #34 Basin.

Why can't the original laws of the land appertenant to the water be upheld instead of a new set being introduced?

April 29, 1994

HONORABLE CECIL D. ANDRUS  
GOVERNOR  
STATE CAPITOL  
BOISE, ID. 83720-1000

RE: BIG LOST RIVER WATER PROBLEMS

It seems as though the Saga of Lower Big Lost River and its demise will last forever.

Despite all of the letters from the Citizens of the Valley as to what has happened to our drainage system we are still ignored and the UNCONTROLLED IRRESPONSIBLE EXPANSION OF LAND DEVELOPMENT AND SUBSEQUENT ADDITIONAL UNCONTROLLED PUMPING FROM OUR AQUIFER CONTINUES.

The citizens of this valley thought that when the Judge declared that Water Laws # 1416 & 1416A were unconstitutional and the Idaho Supreme Court declared that FIRST IN TIME-FIRST IN RIGHT WAS THE LAW OF THE LAND that we may see the end of violations that were destroying THE LOWER BIG LOST RIVER DRAINAGE SYSTEM BELOW THE MOORE DIVERSION.

We were evidently wrong as instead of obeying the decisions of the courts, IDWR and even our legislators that are mostly from the farm community want to pass laws to fit their needs and the needs of special interests, not the needs of all citizens of the State Of Idaho. In their haste to get home, they failed to address the problem of our declining Water Resources. Our problems in Basin 34 needs a thorough investigation with the old laws being enforced, before we make new laws so those that violated the old laws are not **REWARDED** for the injury that they caused their neighbors. If there are 320 active Irrigation Pumps in our Drainage System we would like to know just how many of these are pumping out of the Aquifer in our drainage system and transporting the water to lands outside of our system via man made canals? These practices as well as not using our Natural Stream Channels to transport water have destroyed Spring Creek and turned Lower Big Lost River into a total disaster. Unless my math is wrong we have an average of almost 10 active irrigation pumps for every mile of our drainage system.

We would also like to know who is responsible or who authorized these pumps being installed in our drainage system instead of on the landowners property at the point of use?

We would also like to know why any water at all is allowed to leave our basin, especially after the citizens of this Valley bonded themselves for 20 years to put a stop to such land expansion that our water resources could not handle.

We do not agree when the director of IDWR states. . . " The SRBA court and the Supreme Court seem to have reversed longstanding state law, policy and prior court decisions relative to these issues". . .

The landowners in the Lower Big Lost River Valley that have been injured by what we think is the non-enforcement of our laws or our Water Rights are in complete agreement with the recent decisions made by the courts. It seems to us that our SRBA and our Supreme Court is much more qualified to determine the validity of our laws than department heads that are supposed to administer them. We do understand that everyone in a democracy has the right to due process of the law, but they should not be able to circumvent the law and cause injury to their neighbors, especially after the laws under which they have been operating are declared **UNCONSTITUTIONAL!**

After having just read an article published by the Wall Street Journal . . . "**THE RIVER THAT RUNS THROUGH BOISE RUNS CLEAR ONCE AGAIN**" . . . I have a question. This article was published on April 22, 1994.

As the Governor of the State Of Idaho, and being a conservationist yourself, I have a hypothetical question. What would you or the citizens of the Boise Valley think if the irrigators in this state could completely divert the Boise River around Boise and dry up the Boise River forever? Then to add insult to injury, start plowing up the River Channel to plant Subsidized crops. This is exactly what is happening to what was once one of the most beautiful valleys in Idaho, the Big Lost River Valley. Along with this we have lost what was a **RENOWNED BLUE RIBBON TROUT STREAM!**

I know exactly what some people will tell me, it's all caused by the drought and as soon as it is over you will have **water in the river**, this would certainly help but these irrigators would never admit that our meager Watershed will not economically produce what is expected of it and the whole Valley faces disaster if we do not control the **EXPLOITATION OF OUR WATER RESOURCES.**

Also everyone has failed to recognize that our drought has been state wide, not just in the Big Lost River Valley.

We would deeply appreciate any input that you might have in trying to solve this dilemma for the citizens of the Lower Big Lost River Valley.

SINCERELY,

CHARLES P. TRAUGHBER  
P.O. BOX 678  
ARCO, IDAHO 83213-0678  
208-527-3920

CHARLES P. TRAUGHBER  
P.O. BOX 678 ARCO, IDAHO 83213-0678 208-527-3920

MAY 22, 1994

HONORABLE CECIL D. ANDRUS  
GOVERNOR  
STATE CAPITAL  
BOISE, IDAHO 83720-1000

Dear Mr. Andrus

At the Holt Arena, May 7, 1994 as I watched my wife of 41 years, that I had met during the Korean War, graduate and fulfill her childhood dream of becoming a teacher, I was so proud and humble at the same time that I hoped that our three sons, their wives or the nine grandchildren would not see the tears that were flowing down my cheeks.

After having watched the graduation exercises and at the same time feeling a twinge of defeat, disappointment or failure on my part I felt that I should let you know just how I feel and why.

As a family we built two of the most viable businesses in the City of Arco, and they continue to this day. One of our sons is a doctor in Boise, the other two are businessmen running a business built by my family and the supreme achievement is the graduation of Elsie with a degree in Education.

I guess my sense of failure comes from the fact, that in my overly ambitious endeavor to succeed I failed to somehow monitor or to see how unjust and out of control our government was becoming.

My first encounter was with the Alcohol, Tobacco, Firearm Division of the Federal Government in 1989, and due to their inefficiencies I had to be rescued by U.S. Senator Symms.

The second encounter was when I was attacked by State of Idaho and its Special Fuels Division, by an Auditor that had no common sense. I blazed the trail that finally led to the passage of HB # 631. Idaho was the 49th State to finally take this monster off the backs of small business. This fiasco cost me mentally, as well as financially, as it took me a year or so to finally put this monster to rest. I'm sure the passage of HB # 631 has made the state millions of dollars, and saved thousands of dollars as they would not have to waste time auditing most of the fuel dealers that sold diesel fuel. It cost me probably three to four times as much to fight for my rights, but if I hadn't, justice would have never been served and Idaho would still be operating in the stone age.

Just when it looked like things might settle down, the I.P.U.C. Bureaucrats decided that they were going to extract their pound of flesh from the Tow Truck Operators of Idaho.



Although they weren't attacking me personally, it would affect my sons' business, and that is how I got involved and after a year or so and a long expensive battle we were successful in having our Legislators put a stop to these new ill conceived rules.

I guess my biggest disappointment was when the State Of Idaho and its Department Of Water Resources coerced me into giving up my Water Rights under the guise of Abandonment, although I had paid for them faithfully for 18 years.

While IDWR was absconding with my water rights, I eventually found out that a large Out of State Corporate Farm was plowing the natural stream channel that delivered water to my property and others. This Atrocity, which started in the fall of 1991, has been approved by U.S.D.A., THE ARMY CORP OF ENGINEERS, and as I understand it the Corporation that owns this land is appealing a restoration order issued by IDWR. If these two tragic events are allowed to stand it will render my property worthless as well as two other landowners property. The whole lower valley is at risk of losing its environmental vitality through the loss of its wild and scenic river.

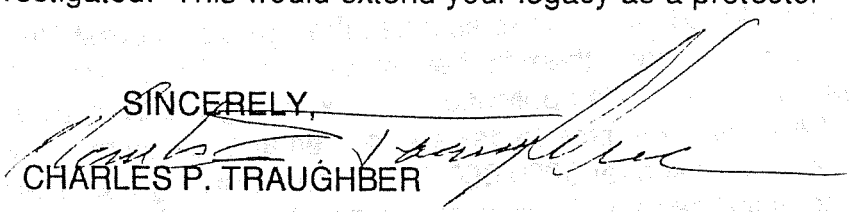
At this time I have spent an undetermined amount of time and money trying to protect the Lower Big Lost River and its environment for future generations. I have submitted letters, even pictures to the State Of Idaho, Representative Crapo, and Senator Craig.

I have asked U.S. Representative Crapo and U.S. Senator Craig to have this fiasco investigated, but as near as I can ascertain they don't give enough credibility to my letters or pictures to even have one of their representatives spend a day and try to make some kind of sense of the events that are ruining our valley. They appear to believe only what they are told by the government agencies that are condoning the destruction of our valley, and evidently the citizens of this valley who are being injured by this situation can't be given the respect that they deserve.

Mr. Andrus, your American Dream was enhanced at this I.S.U. ceremony when you received the honorary degree of Doctor Of Laws. You must be very proud!

As you prepare to step down as the longest standing Governor in The State Of Idaho, it is my dream that you would somehow see fit to have the Demise of Lower Big Lost River and its Environment investigated. This would extend your legacy as a protector of Wild and Scenic Rivers.

SINCERELY,

  
CHARLES P. TRAUGHBER

C.C. U.S. REPRESENTATIVE MIKE CRAPO  
U.S. SENATOR LARRY CRAIG

OFFICE OF THE GOVERNOR  
HONORABLE PHIL BATT  
STATE CAPITOL BOISE, ID. 83720-0034

OCT. 1 , 1995

RE: OBITUARY OF LOWER BIG LOST RIVER -- THE DEATH OF A RIVER!

Dear Governor:

The pictures with this letter along with the past pictures we have sent with our documented letters and books will prove beyond a doubt the truth about the demise of Lower Big Lost River as well as the East Fork of Big Lost River called Spring Creek.

We have heard all of the excuses and fiction that we can stand.

I have been called a liar by the past director of I.D.W.R., in a memorandum addressed to our past Gov., dated May 22, 1994 because I complained of illegal uncontrolled expansion of water use and diversions. Evidently our past Gov. Cecil D. Andrus in his letter to me on May 31, 1994 agreed with the director as he stated that he was confident that the actions by the department was acting within its present authority.

Isn't it ironic that on January 28, 1994 in a letter addressed to Senator Rex Furness from I.D.W.R., signed by John W. Homan (Deputy Attorney General), . . . " that the cease and desist orders issued by the Department of Water Resources were sent to water users who were illegally diverting ground water without a water right permit or license, and not under valid claim under Idaho law."

I was also told to shut up at a public meeting called by I.D.W.R., when I tried to read a prepared statement. The Adjudication Chief of I.D.W.R. told me I was wasting their time and money. (What a joke this is, as the failed policies of I.D.W.R. has been so corrupt that after having spent untold millions of dollars, not one water right has been settled in the State to date.) Also in a letter dated to me on July 2, 1993, I was told by the Adjudication Chief that, . . . " The Department of Water Resources will provide any information or assistance we have in the future without need for either the tone or distribution of your letter." (Evidently anything is legal as long as the boss doesn't find out.)

The same Adjudication Chief escorted the Special Interest Group into the S.R.B.A. court room to support them in their attack on the City of Arco. These **cease & desist kings** called the city's application for a water right a **charade**. As I understand it, the City of Arco is committed to pay a large demand fee on the well that they had to drill to 640 feet and cost over \$200,000.00 in order to satisfy the requirements of less than one thousand people. (This is the travesty that is being perpetrated by I.D.W.R. and the Special Interest Group against the city of Arco.) If the **trust** of those who were put into **financial bondage** for 20 years had been protected and the **illegal** uses of water had not been allowed to happen by I.D.W.R. and B.L.R.I.D. the demise of our drainage system would have never happened and the City of Arco would have never needed a new well.

Another tragedy for the citizens of Lower Lost River Valley is the fact that we have no elected state representatives from Butte County. Our representatives are all from Bingham County, which include Senator Jerry T. Twiggs (President Pro Tem), Representative Michael K. Simpson (Speaker Of The House), and Representative Allan F. Larsen.

These gentlemen are all from the past administration that failed to hear or respond to our cries for help.


I'm sorry to tell you that the restoration of Lower Big Lost River and the repair of its environment and ecology falls on your shoulders as well as the new Director of I.D.W.R., Karl Dreher.

The East Fork of Big Lost River (Spring Creek) must be cleaned out and all flow impediments removed and its natural flows must be returned to its original integrity. Spring Creek, had it not been destroyed, could have very well been the circuit breaker that could have stopped or played a major role in stopping the disastrous flooding that Lower Big Lost River just suffered.

Friends of Lower Big Lost River Valley have prepared a display to show the people the disastrous effect of ignoring the ecology of Big Lost River and its tributaries. We request your office to send us the proper forms so that we may apply for a permit to put this display in the State Capital Building as soon as the legislature convenes. This display is 16 feet long and contains more that 80, 11 by 17 inch color photographs.

**FRIENDS OF LOWER BIG LOST RIVER**

Sincerely,

  
C.P. (JOHN) TRAUGHBER  
P.O. BOX. 678 ARCO, IDAHO  
83213-0678 (208) 527-3920

C.C. GOV. PHIL BATT STATEHOUSE MAIL BOISE, ID. 83720-0034  
ATTORNEY GENERAL ALAN G. LANCE STATEHOUSE MAIL BOISE, ID. 83720-0010  
ID. REP. GOLDEN C. LINFORD 2120 WEST 4200 SO. REXBURG, ID. 83440  
ID. SEN. REX FURNESS 3470 EAST 300 NO. RIGBY, ID. 83442  
ID. REP. ALLAN LARSEN 848 WEST TABOR RD. BLACKFOOT, ID. 83221  
ID. SEN. JERRY TWIGGS 955 WEST 100 SO. BLACKFOOT, ID. 83221  
ID. REP. MIKE SIMPSON 786 HOFF DRIVE BLACKFOOT, ID. 83221  
ID. REP. JOHN WOOD 3778 EAST 500 NO. RIGBY, ID. 83442  
U.S. REP. MICHAEL D. CRAPO 2539 CHANNING WAY IDAHO FALLS, ID. 83404  
U.S. SEN. LARRY E. CRAIG 2539 CHANNING WAY IDAHO FALLS, ID. 83404  
I.D.W.R. CO NORMAN YOUNG STATEHOUSE MAIL 83720-9000  
I.R.U. P.O. BOX 633 BOISE, ID. 83701  
B.L.R.I.D. 101 SO. MAIN AVE. MACKAY, ID 83251  
WATER DIST. # 34 107 MAIN STREET MACKAY, ID 83251  
S.R.B.A. P.O. BOX 2707 TWIN FALLS, IDAHO 83303-2707

Water - 10-26-45

FRIDAY, DEC. 14, 1945.

# Water Users Protest Filings on Arco Tract

## Huge Meeting Last Friday Held Before State Engineer

A big water meeting was held in Arco last Friday, which was reminiscent of similar meetings held in the days gone by when the Utah Construction Co., was operating the Carey Act project here.

The main purpose of the meeting was to consider the application of the Arco Tract association to make final proof on some 1500 inches of water to beneficial use.

The land upon which the water applied for is to be made appurtenant, includes approximately 1500 acres under what was known in the old days as the Arco tract of the Carey act project. When the farmers in the valley proper acquired the interests of the Carey act company several years ago, this tract together with the land under what is known as the Era tract was removed from the irrigated area and the water diverted to other lands in the valley proper.

A year or two ago a group of local people, composed of I. W. Boyer, Aaron Quist, Adrian McLerran, Ira Boyer, Jr., Lloyd Stewart and others, formed the Arco Tract Assn. They had previously acquired much of the land embraced in the present segregation. In addition they improved the large canal carrying water to the land, and then filed on water "saved" through improvement in canal systems. It was final proof on the "savings" that brought about the hearing last Friday.

The meeting was of such importance and the plans of the Arco Tract Assn., had created such wide-spread interest, that Mark Kulp, state commissioner of reclamation, came to Arco to personally conduct the hearing.

Filed at the meeting were four petitions, bearing 180 signatures of water users in the valley, opposed the granting of the certificate. A protest also was filed by the Big Lost River Irrigation District. The protestants and the district were represented by Atty. John W. Jones of Blackfoot and the testimony was given before Ralph Vanderwood, district court reporter. I. W. Boyer acted as counsel for himself and his associates.

Many witnesses were heard. The general protest was based on what the protestants claimed is not a saving of water, but encroachment of existing rights. They all insisted that to establish a "right" at this time would jeopardize existing decrees, with the added statement that "it has not been shown yet that an actual 'saving' has been made."

The hearing required most of the day. At adjournment in the late afternoon, Mr. Kulp announced that before his decision is rendered he will read the transcript and it will be some time before a decision is forthcoming.

## Arco Tract Group Asks FSA Help

The Arco Tract association, comprising a group of men who are farming what is known locally as the Arco Tract, which was formerly part of the Utah Construction Co's Carey Act project, have recently filed on waters which they claim were "saved" when the carrying canals were approved.

The association recently appealed to the Farm Security Agency for assistance and use of their engineering staff to make a survey of certain sections of Big Lost river to ascertain if additional savings can be made.

The FSA has accepted the assignment and plans to send their engineer to the valley shortly to make an exhaustive study of conditions. If water can be conserved, the association members are hopeful that the contemplated savings can be made appurtenant to the several thousand acres which they are now attempting to develop and cultivate.

## TELEPHONE LINE ADDED TO MOORE

"We have recently expended 3600 in running two new lines to Moore," Herman Stommel, state manager of the M. S. T. & L. Co., told The Advertiser last Friday. "If business continues, we may be compelled to add more lines," he continued.

Mr. Stommel and Mr. Trainer, state wire chief were here last week-end to visit the local office and incidentally to do some fishing.