

02/20/2004

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-21

FRANCIS R BEAM
PO BOX 91
SWAN VALLEY ID 83449
Telephone Number: (208)483-3183

CELESTE B BEAM
PO BOX 91
SWAN VALLEY ID 83449
Telephone Number: (208)483-3183

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: MAR 25, 2004 SIGNATURE: Celeste B Beam
Please print your name: Celeste B Beam

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

02/20/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-21
NAME AND ADDRESS: FRANCIS R BEAM
PO BOX 91
SWAN VALLEY ID 83449
CELESTE B BEAM
PO BOX 91
SWAN VALLEY ID 83449

SOURCE: RAINEY CREEK
QUANTITY: 1.600 CFS
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.67 CFS. COMBINED RIGHT NOS.: 23-00014, 23-00017,
23-00021, AND 23-00046.

PRIORITY DATE: 04/09/1889

POINT OF DIVERSION:

T02N R44E S33 SENESE Within BONNEVILLE County
T02N R44E S33 SENWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
1.600 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T01N R44E S04 Lot 1 NENE	12.0	T01N R44E S04 Lot 2 NWNE	40.0
T01N R44E S04 Lot 3 NENW	16.0	T02N R44E S33 SESW	32.0
T02N R44E S33 SWSE	32.0	T02N R44E S33 SESE	1.3

133.3 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 133.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00014, 23-00017,
23-00021, 23-00046, 23-00090.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00014, 23-00017, 23-00021, 23-00046,
23-00090.

12/11/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-21
NAME AND ADDRESS: FRANCIS R BEAM
PO BOX 91
SWAN VALLEY ID 83449

CELESTE B BEAM
PO BOX 91
SWAN VALLEY ID 83449

SOURCE: RAINEY CREEK
TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 1.600 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.67 CFS. COMBINED RIGHT NOS.:
23-00014, 23-00017, 23-00021, 23-00046, 23-00090

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-00014, 23-00017,
23-00021, 23-00046, 23-00090 SHALL PROVIDE NO MORE THAN .02 CFS
PER ACRE

PRIORITY DATE: 04/09/1889

POINT OF DIVERSION:
T02N R44E S33 SENESE Within BONNEVILLE County
T02N R44E S33 SENWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.600 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S04 Lot 1 NENE	12.0	T01N R44E S04 Lot 2 NWNE	40.0
T01N R44E S04 Lot 3 NENW	16.0	T02N R44E S33 SESW	32.0
T02N R44E S33 SWSE	32.0	T02N R44E S33 SESE	1.3

133.3 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 133.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00014, 23-00017,
23-00021, 23-00046, 23-00090.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

12/11/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-21

NAME AND ADDRESS: FRANCIS R BEAM
PO BOX 91
SWAN VALLEY ID 83449CELESTE B BEAM
PO BOX 91
SWAN VALLEY ID 83449

SOURCE: RAINEY CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 1.600 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.67 CFS. COMBINED RIGHT NOS.: 23-00014,
23-00017, 23-00021, 23-00046, 23-00090.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-00014, 23-00017, 23-00021,
23-00046, 23-00090 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/09/1889

POINT OF DIVERSION:

T02N R44E S33 SENESE Within BONNEVILLE County

T02N R44E S33 SENWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE

IRRIGATION

PERIOD OF USE

04/15 10/31

QUANTITY

1.600 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T01N R44E S04 Lot 1 NENE	12.0	T01N R44E S04 Lot 2 NWNE	40.0
T01N R44E S04 Lot 3 NENW	16.0	T02N R44E S33 SESW	32.0
T02N R44E S33 SWSE	32.0	T02N R44E S33 SESE	1.3

133.3 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 133.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00014, 23-00017,
23-00021, 23-00046, 23-00090.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00014, 23-00017, 23-00021, 23-00046,
23-00090.

Water Right 23-21

\$ 50⁰⁰

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A23-00021
Date Received: 8/03/1989
Receipt No: ED10422
Received By:

RECEIVED

SEP 14 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCIS R. BEAM
Address: P. O. BOX 91
SWAN VALLEY, ID

83449

208-483-3183

OR
Name: CELESTE B. BEAM
Address: P. O. BOX 91
SWAN VALLEY, ID

83449

208-483-3183

2. Date of Priority: APR 09, 1889

3. Source: RAINEY CREEK Trib. to: SNAKE RIVER, SOUTH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	44E	33	NE	SE	SE		BONNEVILLE
			NW				BONNEVILLE

5. Description of diverting works:
HEADGATES TO DITCHES TO PLACE OF USE FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 370.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

A23-00021

Page 1

Date: 08/09/89

MICROFILMED
NOV 07 1992

A2300021

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	4	NE	NE	1	IRR	13.0
			NW	NE	2	IRR	40.0
			NE	NW	3	IRR	30.0
Section Acres							83.0
02N	44E	33	SE	SW		IRR	31.0
			SW	SE		IRR	32.0
			SE	SE		IRR	2.0
Section Acres							65.0
Total Acres							148.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A23-00014, A23-00017, A23-00046, A23-00090

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs TETON IRR. CANAL CO. ET AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Francis A. Beam Date: 11 Sept 89
Celste B. Beam Date: 9/11/89

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of Sept. 19 89

Darwin E. Weeks
Notary Public

Seal

Residing at Idaho, ID.
My Commission Expires 10-8-94

Contacts Data Entry Form

Water Right No. 29-17

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner

Francis B. Bann

Name connector: and _____, or _____, and/or _____

Current Owner

Current Owner

Representing Attorney:

Phone Number:

Accompanied By:

Phone Number:

Relationship to Claimant:

Date of Field Exam:

Time:

Directions to Property (if different from above) and/or update owner information:

DECREED UNDER ROUBIN'S FARM vs Teton Farm, 1910
As #60, to A.J. BERNARD, Apr 9, 1889, @ 80".

FB INDICATOR: POU, POD's, Delivery, System, Canal?
Overlap w/14,17,46 & 90

Reviewer:

Date:

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 4/9/1889 Claimed Basis: DECREEDRecommended Priority Date: 4/9/1889 Recommended Basis: DECREED☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

CLAIM MATCHES DECREED

Reviewer: _____

Date: _____

Claim Number: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 2N, R 44E, Sec. 33, NE 38, NW 34, County: Bonn

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

 Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQ of QQ of Q	County	Source
					BONN	RAINY CR

GPS Coordinates: _____

City of San Francisco
 Department of Public Works
 1001 Market Street, Suite 100
 San Francisco, CA 94102
 Tel: 415.355.3333
 Fax: 415.355.3333
 Email: info@cityofsfo.com
 Website: www.cityofsfo.com

GPS Coordinates: _____

A horizontal number line with tick marks at intervals of 1, ranging from 0 to 10. The number 5 is marked with a red dot and labeled '5'.

GPS coordinates: _____

GPS Coordinates:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

GPS Coordinates: _____

CPS Coordinator: _____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

POD NOT ADDRESSED BY DORRIS

James BD - Romank

OTHER Rts

Transfers Changing POD _____

Reviewer: _____

Date: _____

04/03/2002

IDWR Field Exam Form

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	4					83 ⁰	
2N		33					65 ⁰	
Total Acres							148 ⁰	

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
Total Acres								

Document how the POU was verified:

POU NOT ADDRESSSED BY DISCRETS
OVERLAP W/ 29-14, 17, 21, 40 & 90.

COMBINED USE PERMIT
W/ Ac Limits

Transfers Changing POU _____

Reviewer: _____

Date: _____

04/03/2002

Period of Use and Quantity Data Entry Form

Claim Number: _____

___ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use

Start

End

Rate

Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use

Start

End

Rate

Volume

Spring	4/1	11/1	1.6	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use

Start

End

Rate

Volume

Spring	4/15	10/31	1.6	

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

SOU NOT ADDRESSSED BY DUE REG
DECREED AS 80" SO CLAIMED.

COMBINED A Remarks

Reviewer: _____

Date: _____

Application For Transfer of Water Right

STATE OF IDAHO

County of Bonneville

ss.

Richard A. Beam

being first duly sworn, deposes and says:

That his name is Richard A. Beam; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Swan Valley, Idaho

That he is the owner and using a certain water right, bearing date of priority of April 9, 1889 for 1.6 (each) cubic feet per second of the waters of Rainey Creek County of Bonneville, State of Idaho, decreed to Gustus Jacobson by decree of Judge Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont et al. in the case of Rexburg Irrg. Co., et al vs. Teton Irrigation Canal Co., said decree bearing date of December 16, 1910 (or obtained by virtue of License No. _____, issued by the State Engineer 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. 36 in the County of Bonneville and State of Idaho, to-wit: N¹/₂ Sec. 4 Twp 1 N., R. 44 EBM, being transferred rights No. 488 and 419

_____ 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. owner by purchase

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 NE¹/₂SW¹/₄ of Section 33, Township 2N, Range 44 E, B. M., and conducted to the above described lands through private ditches as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.6 and 1.6 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 Bonneville and State of Idaho, to-wit:

Lots 1, 2, 3 and SE¹/₂NE¹/₄ Sec. 4, Twp 1 N., R. 44 EBM

That his reasons for desiring to make such transfer are as follows: That said waters have been used on lots 1, 2, 3 and SE¹/₂NE¹/₄ Sec. 4, Twp 1 N., R. 44 EBM since transferred rights No. 412 and 488 were entered. That through error, said transferred rights showed the water transferred to Lot 4, rather than SE¹/₂NE¹/₄ Sec. 4. This application is to correct prior certificates to show correct legal description of lands to which transferred.

WATER

STATE OF IDAHO,

County of Bonneville

ss.

Arvey A. Weeks

and

Thomas M. Weeks

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Irwin, Idaho that he is user of water from Rainey Creek in Water District No. 36 County of Bonneville, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Richard A. Beam and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Arvey A. Weeks
Thomas M. Weeks

Subscribed and sworn to before me this 13th day of June

A. D. 19 55

Dorothy Guinn
Natality Public

STATE OF IDAHO,

County of Bonneville

ss.

I, LYNN GRANDALL

Watermaster of Snake River

Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address is Swan Valley, Idaho, have read or heard read the foregoing affidavit and petition of Richard A. Beam, 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 Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons: That the water has at all times been used upon the land to which the request has been made for a transfer and that the prior transferred rights herein set forth by erroneous legal description showed the water to be transferred to Lot 4 when in reality it was transferred to the SE¹ of the NE¹ all in Section 4, Twp. 1 North, Rge. 44 East, B.M.

Watermaster Dist. No. 36

Dated at Idaho Falls

Idaho, this

3

day of

July

19 55

Lynn Grandall

WILSON

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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

Name of Applicant

STATE OF IDAHO.

County of Bonneville

ss.

I, Frank S. Thomas, Watermaster of Rainey Creek
Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address
is Swan Valley, Idaho, have read or heard read the foregoing affidavit and petition
of Richard A. Beam, 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 Commissioner of
Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the
certificate of transfer prayed for) for the following reasons: That the water has at all
times been used upon the land to which the request has been made for
a transfer and that the prior transferred rights herein set forth
by erroneous legal description showed the water to be transferred to lot
4 when in reality it was transferred to the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ all in Section
4, Township 1 North, Range 44 E.B.M. Watermaster Dist. No. 36

Dated at Idaho Falls, Idaho, this 13th day of June, 1955.

Frank S. Thomas
Dorothy L. Smith
Notary Public

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 383.

This is to certify that Samuel J. Weeks, of Swan Valley, County of Bonneville, State of Idaho, has a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bonneville, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 3.2 second feet of the waters of Rainey Creek, in Water District No. 36, were decreed to Alfred Joseph Bernard for the irrigation of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 6; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7; S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 5, and the N $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 8, Township 1 North, Range 44 East of Boise Meridian, said right bearing date of priority of April 15, 1889; that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450; that, upon the application of Samuel J. Weeks for a transfer of Water Right made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.6 second feet of the waters of Rainey Creek is hereby abandoned upon the lands above described and the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are shown in the following table, 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:

1.6 sec. ft., dated April 15, 1889							
Twp.	Rge.	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Tota
1 N.	44 E.	5	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	160
							40 40 40 40

That said waters are now diverted at a point on Rainey Creek in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, Township 1 North, Range 44 East of Boise Meridian, but will hereafter be diverted at a point on said stream near the southwest corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 1 North, Range 44 East of Boise Meridian.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 7th day of July, 1926.

(SEAL)

W. G. SWENDSEN
Commissioner of Reclamation

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 383-A.

This is to certify that Samuel J. Weeks, of Swan Valley, County of Bonneville, State of Idaho, has a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bonneville, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 1.6 second feet of the waters of Rainey Creek, in Water District No. 36, were decreed to Alfred Joseph Bernard for the irrigation of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 6; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7, S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 5, and the N $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 8, Township 1 North, Range 44 East of Boise Meridian, said right bearing date of priority of April 9, 1889; that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450; that, upon the application of Samuel J. Weeks for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 0.8 second feet of the waters of Rainey Creek is hereby abandoned upon the lands above described and the lands to be irrigated under such rights and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are shown in the following table, 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:

0.8 sec. ft., dated April 9, 1889										Total
Twp.	Rge.	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	
1 N.	44 E.	5								160

That said waters are now diverted at a point on Rainey Creek in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, Township 1 North, Range 44 East of Boise Meridian, but will hereafter be diverted at a point on said stream near the southwest corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 1 North, Range 44 East of Boise Meridian.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 7th day of July, 1926.

W. G. SWENDSEN
Commissioner of Reclamation

(SEAL)

By Geo. N. Carter
Assistant

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 489

THIS IS TO CERTIFY That Therese Gottsche, of Swan Valley, County of Bonneville, State of Idaho, has a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 1.94 second feet of the waters of Rainey Creek, in Water District No. 36, were dedicated to the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 12, and south 20 acres of the SW $\frac{1}{4}$ of Sec. 1, Twp. 1 N., R. 43 E., B.M., said right bearing date of priority of June 1, 1890; and that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450:

THAT, upon the application of Therese Gottsche for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.94 second feet of the waters of Rainey Creek upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is given below, 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:

1.94 sec. ft., dated June 1, 1890

S $\frac{1}{2}$ of N $\frac{1}{2}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 5, Twp. 1 N., R. 44 E., B. M.

THAT the water to be transferred has heretofore been diverted at a point in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8, Twp. 1 N., R. 44 E., B.M., but will hereafter, by virtue of this certificate, be diverted at a point in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 34, Twp. 2 N., R. 44 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.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 20th day of June, 1930.

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 489

THIS IS TO CERTIFY That Therese Gottsche, of Swan Valley, County of Bonneville, State of Idaho, has a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 1.94 second feet of the waters of Rainey Creek, in Water District No. 36, were dedicated to the $N\frac{1}{2}NW\frac{1}{4}$ of Sec. 12, and south 20 acres of the $SW\frac{1}{4}$ of Sec. 1, Twp. 1 N., R. 43 E., B.M., said right bearing date of priority of June 1, 1890; and that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450:

THAT, upon the application of Therese Gottsche for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.94 second feet of the waters of Rainey Creek upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is given below, 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:

1.94 sec. ft., dated June 1, 1890

$S\frac{1}{2}$ of $N\frac{1}{2}$ and $N\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 5, Twp. 1 N., R. 44 E., B. M.

THAT the water to be transferred has heretofore been diverted at a point in the $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Sec. 8, Twp. 1 N., R. 44 E., B.M., but will hereafter, by virtue of this certificate, be diverted at a point in the $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Sec. 34, Twp. 2 N., R. 44 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.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 20th day of June, 1930.

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation.

Log for claim 23-00021

Spatial Dynamics CAT

2/12/01

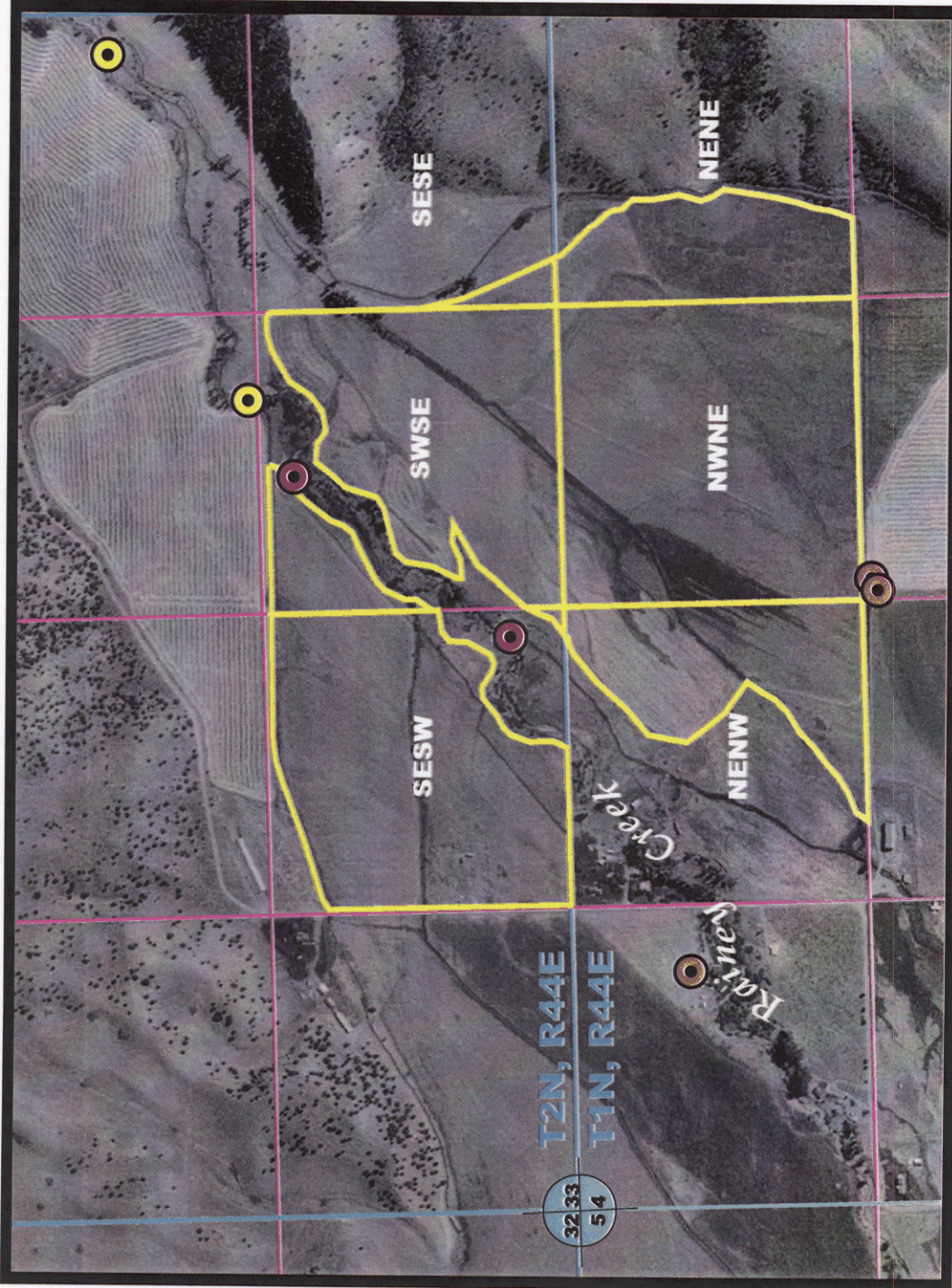
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	4	NENE	13	13	
01n44e	4	NWNE	40	40	
01n44e	4	NENW	30	26	
02n44e	33	SESW	31	32	
02n44e	33	SWSE	32	28	
02n44e	33	SESE	2	1.4	
Totals:			148	140.4	



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
 23-00014, 23-00017,
 23-00021, 23-00046,
 23-00090

Place of Use: (parts of)
 T2N, R44E Sec. 33
 SESW, S2SE
 T1N, R44E Sec. 4
 NENW, N2NE

Point(s) of Diversion:
 T2N, R44E Sec. 33
 SENWSE, SENESE



LEGEND



Point of Diversion



Place of Use



Section

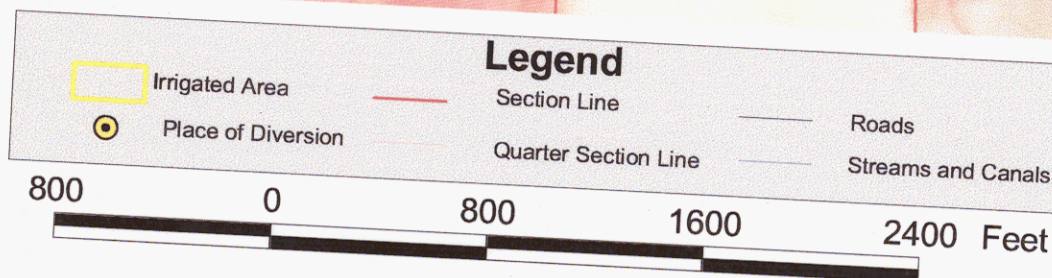
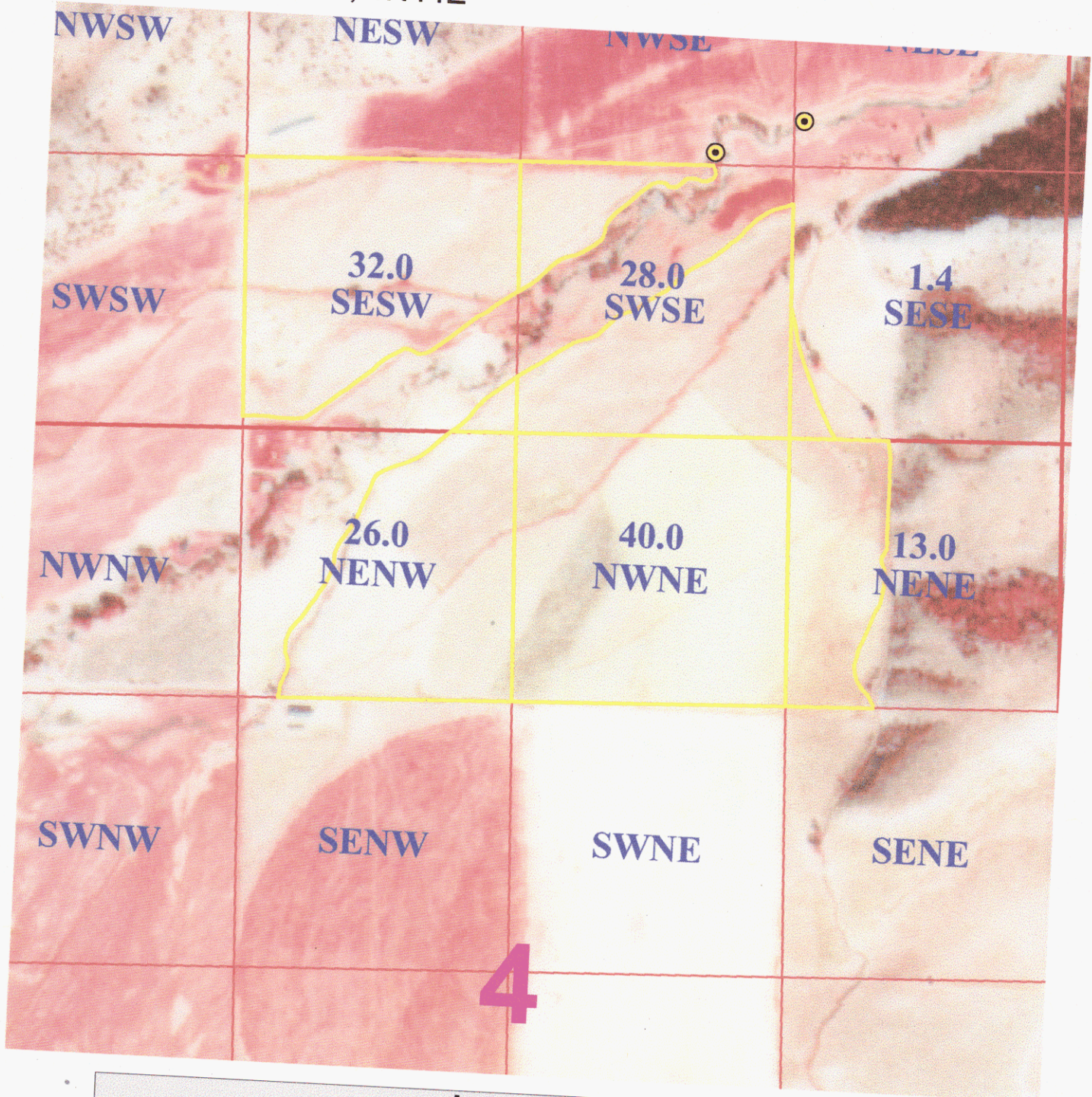


Quarter-Quarter

250 0 250 500 750 1000 1250 1500 1750 2000 2250 2500 2750 3000 3250 3500 3750 4000 4250 4500 Feet

Water Right Claim Number 23-00021
Townships , 2N44E, 1N44E

02/12/2001



SPATIAL
DYNAMICS

29 28

32 33

28 27

33 34

A23-00021

32 33

5 4

33 34

4 3

R44E

T2N

T1N



Van Valley Cemetery

5 4

8 9

4 3

9 10

MICROFILM

NOV 4 7 1992



Rainey Creek Diversion Northside
T.2N., R.44E.
Section 33 SWSESW
(Diversion serves several users)
Photo taken 9/30/03 ABR



Rainey Cr Div.
T.2N R.44E
Sec. 33 SESESE