

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: 23-46

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

FRANCIS R 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

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

RIGHT NUMBER:	23-46														
NAME AND ADDRESS:	CELESTE B BEAM PO BOX 91 SWAN VALLEY ID 83449 FRANCIS R BEAM PO BOX 91 SWAN VALLEY ID 83449														
SOURCE:	RAINEY CREEK	TRIBUTARY: SOUTH FORK SNAKE RIVER													
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:	09/01/1890														
POINT OF DIVERSION:	T02N R44E S33 SENESE Within BONNEVILLE County T02N R44E S33 SENWSE Within BONNEVILLE County														
PURPOSE AND PERIOD OF USE:	<table><tr><td><u>PURPOSE OF USE</u></td><td><u>PERIOD OF USE</u></td><td><u>QUANTITY</u></td></tr><tr><td>IRRIGATION</td><td>04/15 10/31</td><td>1.600 CFS</td></tr></table>			<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>	IRRIGATION	04/15 10/31	1.600 CFS						
<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>													
IRRIGATION	04/15 10/31	1.600 CFS													
PLACE OF USE:	<u>IRRIGATION Within BONNEVILLE County</u> <table><tr><td>T01N R44E S04 Lot 1 NENE</td><td>12.0</td><td>T01N R44E S04 Lot 2 NWNE</td><td>40.0</td></tr><tr><td>T01N R44E S04 Lot 3 NENW</td><td>16.0</td><td>T02N R44E S33 SESW</td><td>32.0</td></tr><tr><td>T02N R44E S33 SWSE</td><td>32.0</td><td>T02N R44E S33 SESE</td><td>1.3</td></tr></table> 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.			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
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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: 23-46
NAME AND ADDRESS: CELESTE B BEAM
PO BOX 91
SWAN VALLEY ID 83449

FRANCIS R 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: 09/01/1890

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

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

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

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\$ 50.00

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: A23-00046
Date Received: 8/03/1989
Receipt No: E010423/90
Received By: _____

RECEIVED

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

208-483-3183

83449

OR

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

208-483-3183

83449

2. Date of Priority: SEP 01, 1890

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			BONNEVILLE
			NW	SE			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

A23-00046

Page 1

Date: 08/09/89

MICROFILMED

NOV 07 1992

A2300046



10. Place of Use:

Place of 1891							
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				
02N	44E	33	SE	SW		IRR	31.0
			SW	SE		IRR	32.0
			SE	SE		IRR	2.0
			Section Acres				
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, A23-00021, 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

A23-00046

Page

2

Date: 08/09/89

MICROFILMED

NOV 07 1992

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): Frederic M. Deam Date: 11 Sept 89
Celeste B. Deam Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of Sept. 19 89
Patricia L. Weeks
Notary Public

Seal

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

Contacts Data Entry Form

Water Right No. 23-46

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	FRANCIS BOAM					
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:
DESCRIBE UNDER ROXBURG TRING VS TETON TRING, 1910
AS #92 TO J. MCGIBBON, SEPT. 1, 1890, @ 80'.

RE INDRATDO: PPH & OTHER Rts

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____

Water Right Basis: _____

Claimed Priority Date: 9/1/1890

Claimed Basis: DOCRS

Recommended Priority Date: 9/1/1890

Recommended Basis: DOCRS

_____ 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:

Claimed as DOCRS

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 2N, R 44E, Sec. 33, NE SW SW County: BONN.

Source: _____ Tributary: _____

Recommended Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

_____ Use Claimed POD and Source as Recommended POD and Source

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	<u>BONN.</u>	<u>RAINIER CR</u>
GPS Coordinates: _____						_____
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						_____
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						_____
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						_____
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						_____
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						_____

Other rights from this POD? _____

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

POD NOT ADDRESSED BY DEGRUE,
SAME POD REMAINS

Transfers Changing POD _____

Reviewer: _____

Date: _____



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 SENESE

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			BONN		83 ⁰	Tring
2N		33			"		65 ⁰	Tring

Total Acres 148⁰

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

POU NOT ADDRESSSED BY DGERGS
Overlap w/ 29-14,17,21,46,90
COMBINED USE - Remarks
w/AC Limits

Transfers Changing POU _____

Reviewer: _____

Date: _____

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
FR 1219	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
FR 115	4/15	10/31	1.6	

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SQU NOT ADDRESSSED BY DECROS: DORT STD 4/15 TO 10/31,
DECROD AS 80" - SO CLAIMED COMBINED Q Remarks

Reviewer: _____

Date: _____

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	McGibbon, John	1.6		23-0046
419	Frew Brothers	1.6		23-0046
860	Beam, Richard	1.6		

T
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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 419.

This is to certify that Frew Brothers (H. C. & Wallace Frew) of Swan Valley, County of Bonneville, State of Idaho, have 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 Co., et al, Plaintiffs, vs. Teton Irrigation Canal Co., Defendants, J. M. Stevens, Judge, wherein 1.6 second feet of the waters of Rainey Creek in Water District No. 36, were decreed to the Northeast Quarter (NE $\frac{1}{4}$) of Section 12, Twp. 1 N., Rge. 43 E., B.M., said right bearing date of priority of September 1, 1890;

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho at Boise, in Volume 3 of Decrees at page 450.

That upon the application of the said Frew Brothers 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 upon the lands above described is hereby abandoned, and a description of the lands to be irrigated 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 shown in the following list of lands, 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 September 1, 1890;

North Half of the North Half (N $\frac{1}{2}$ N $\frac{1}{2}$), Section 4, Township 1 North, Range 44 East, B. M.;

That the water right to be transferred has heretofore been diverted from Rainey Creek in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 8, Twp. 1 N., Rge. 44 E., B.M., but will hereafter, by virtue of this certificate, be diverted in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 33, Twp. 2 N., Rge. 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 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, this 19th day of March, 1928.

(SEAL)

GEO. N. CARTER.

Commissioner of Reclamation.

ASSIGNMENT OF WATER RIGHT

For and in consideration of the sum of One Dollar, as well as other valuable considerations, to us in hand paid, we hereby Sell, Assign and Transfer to Frank Beam, all of our right, title, interest and equity in and to one and six tenths (1.6) second feet of the waters of Rainey Creek, having a priority date of September 1st, 1890, and all of which is more fully described in that certain certificate of water right issued on the 19th day of March, 1928, by the Commissioner of Reclamation of the State of Idaho, and described as Transferred Right No. 419.

Dated this 23rd day of March, 1928.

H. C. Frew,
Wallace Frew
Frew Bros.

State of Idaho, }
 } ss.
County of Bonneville)

On this 9th day of April, 1928, before me the undersigned Notary Public, personally appeared H. C. Frew and Wallace Frew, known to me to be the persons whose names are subscribed to the above and foregoing instrument, no do business as Frew Bros., a co-partnership, and who acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Idaho Falls, Idaho, the day and year herein above last written.

O. A. Johannesen
Notary Public,
Residence: Idaho Falls, Idaho.

(SEAL)

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 3.30 P.M. April 10, 1928.

Geo. N. Carter,
Commissioner of Reclamation,
C.B.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 419.

This is to certify that Frew Brothers (H. C. & Wallace Frew) of Swan Valley, County of Bonneville, State of Idaho, have 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 Co., et al, Plaintiffs, vs. Teton Irrigation Canal Co., Defendants, J. M. Stevens, Judge, wherein 1.6 second feet of the waters of Rainey Creek in Water District No. 36, were decreed to the Northeast Quarter (NE $\frac{1}{4}$) of Section 12, Twp. 1 N., Rge. 43 E., B.M., said right bearing date of priority of September 1, 1890;

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That upon the application of the said Frew Brothers 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 upon the lands above described is hereby abandoned, and a description of the lands to be irrigated 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 shown in the following list of lands, 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 September 1, 1890;

North Half of the North Half (N $\frac{1}{2}$ N $\frac{1}{2}$), Section 4, Township 1 North, Range 44 East, B. M.;

That the water right to be transferred has heretofore been diverted from Rainey Creek in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 8, Twp. 1 N., Rge. 44 E., B.M., but will hereafter, by virtue of this certificate, be diverted in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 33, Twp. 2 N., Rge. 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 herein described, as provided by the laws of the State of Idaho.

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H. C. Frew,
Wallace Frew
Frew Bros.

State of Idaho,)
County of Bonneville) ss.

On this 9th day of April, 1928, before me the undersigned Notary Public, personally appeared H. C. Frew and Wallace Frew, known to me to be the persons whose names are subscribed to the above and foregoing instrument, who do business as Frew Bros., a co-partnership, and who acknowledged to me that they executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Idaho Falls, Idaho, the day and year herein above last written.

Application For Transfer of Water Right

FEB 24 1928

STATE OF IDAHO,

County of Bonneville

SS.

Frew Brothers, consisting of

H. C. and Wallace Frew, by the latter, being first duly sworn, deposes and says:

That his name is Wallace E. Frew; 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.

Frew Bros.

1st.

That he is the owner and using a certain water right, bearing date of priority of Sept. 19, 1901, for 1.6 cubic feet per second of the waters of Rainey Creek County of Bonneville, State of Idaho, decreed to John McGibbon by decree of Judge, E. H. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irr. Co. et al vs. Teton Irr. Canal Co. et al said decree bearing date of Dec. 16th, 1910 (or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____, 19____, bearing date of priority 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:

Northeast Quarter of Section 12, Township 1 North Range 43 east Boise Meridian.

_____ 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. by conveyance from John McGibbon

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 Southwest Quarter of Section thirty-three, Township three N., Range forty-four E., B. M., and conducted to the above described lands through private ditch from Rainey Creek

as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 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: The North Half of the North Half (NW-1/4) of Section 4, Township 1 North, Range 44 east Boise Meridian.

That his reasons for desiring to make such transfer are as follows: have instituted various changes in farming methods, economies in distribution, and rotation with neighbors; also a part of land has become swampy, by reason proximity to river, and being much lower than lands to the east.

That he intends to divert and convey said 1.6 second feet of water to the tract of land last above described in the following manner, to-wit: By means of a private ditch having its head on Rainey Creek with point of intake at the SW $\frac{1}{4}$ of Section 33, Township 2, North, Range 44, E.B.M., and extending on and to the land described as the North Half of the North Half of Section 4, Township 2 North, Range 44 East Boise Meridian

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFOR, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Wallace E. Frew
Applicant.

Subscribed and sworn to before me this 23rd day of February, A. D. 1928.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Rainey Creek

Where is the diversion point located? Present point in NW $\frac{1}{4}$ of Sec. 8, Twp. 1 N. Range 44 E.B.M. New point in NW $\frac{1}{4}$ of Sec. 33, Twp. 2 N. Range 44 E.B.M.

Through what ditch is it now conducted? private ditch

How much land is now irrigated by the water sought to be transferred? only a part 160 acre farm, described in application.
Give the description:

NE $\frac{1}{4}$ Sec. 12, Twp. 1 No. Ra. 43 E.B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 160 in.

What kind of crops are being raised? grain, hay, beets, peas, etc.

How much water per acre is now required to irrigate said land? 1 in. per acre.

What will be the effect on the land now irrigated, if the use of water on it is discontinued? Will require greater economies as to use and distribution, with resulting inconveniences, except that part of the land that is being flooded by reason of being so low.

Give location of new point of diversion, if change is to be made. SW $\frac{1}{4}$ Sec. 33, Twp. 2 N. Range 44, E.B.M.

Through what ditch will it be conducted after transfer? private ditch

How much water will be required per acre to irrigate the land to which this water is transferred? from 1 to 3 inches per acre. Drainage very great, but all grains ~~run~~ into Snake River.

Do you claim any other water right for the land from which you seek to abandon the use of this water? yes 80 inches.

If so, give amount, date and source. 80 inches from Palisade Creek

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. yes. from Rainey Creek

Signed *Wallace E. Frew*
Applicant.

STATE OF IDAHO,

County of Bonneville

SS.

L. A. Hartert

and

J. W. Hays

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 Idaho Falls that he is a user of water from Snake River & tributaries, in Water District No. 36 County of Bonneville, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Two Bros 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.

Subscribed and sworn to before me this

23rd

day of

February

A. D. 1898

L. A. Hartert
J. W. Hays
Notary Public

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 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: _____

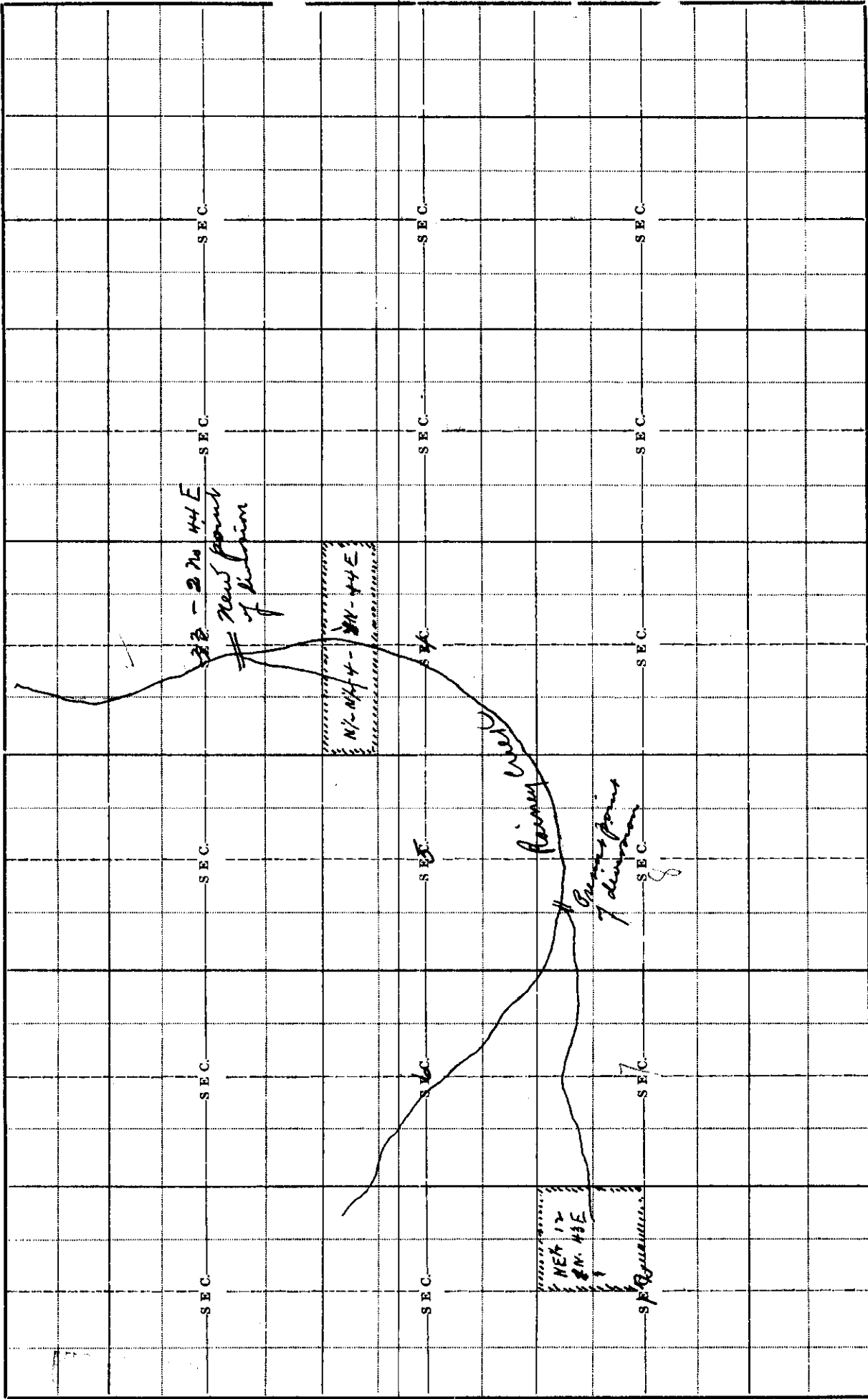
Watermaster Dist. No. _____

Dated at _____, Idaho, this _____ day of _____, 19 _____

RECORDED

NAME OF APPLICANT

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.



Log for claim 23-00046

Spatial Dynamics CAT

2/20/01

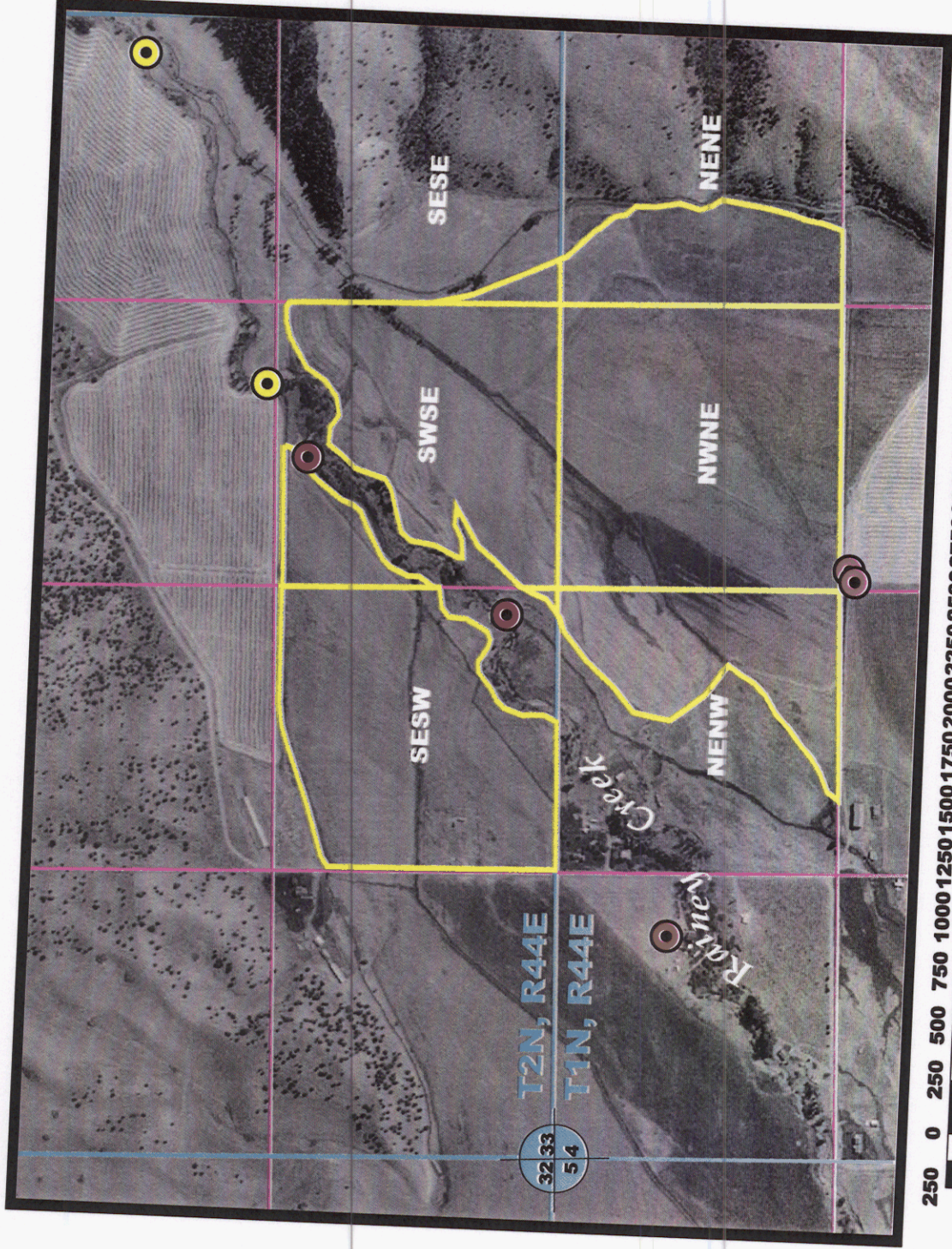
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	4	NENE	13	13	
01n44e	4	NWNE	40	40	
01n44e	4	NENW	30	26	
02n44e	33	SESW	31	32	
02n44e	33	SWSE	32	28	
02n44e	33	SESE	2	1.4	
Totals:			148	140.4	



State of Idaho

Department of Water Resources

Eastern Region



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

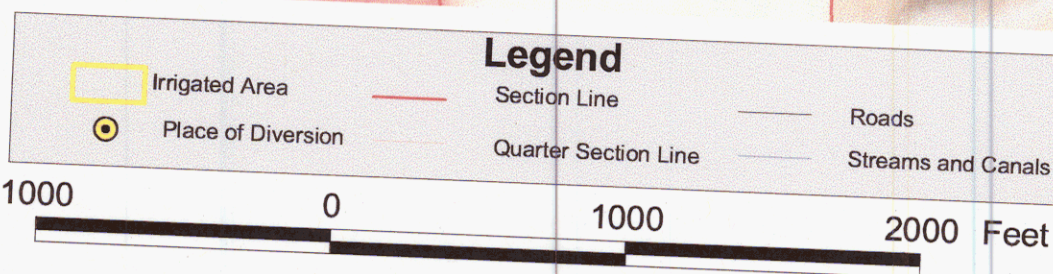
Place of Use: (parts of)
T2N, R44E Sec. 33
SESW, S2SE
T1N, R44E Sec. 4
NENW, N2NE

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



LEGEND

- Point of Diversion
- SESE
- Place of Use
- Section
- Quarter-Quarter



SPATIAL
DYNAMICS

MICROFILMED
NOV 07 1992

9 10 4 3 8 9 5 4

San Valley Cemetery

R44E
T2N
T1N

A23-000416

28 27 33 34 29 28 32 33