

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

Certificate of Water Right
Transferred Right No. 809.

THIS IS TO CERTIFY That W. G. BURKE and C. W. BURKE, of Idaho Falls, Idaho, are the owners of and using the following water rights from Snake River: 1.16 cubic feet per second with priority of June 1, 1886, decreed to the Long Island Irrigation Company; and 4.75 cubic feet per second with priority of April 30, 1900, decreed to B. C. and C. G. Mattson, by decree of Judge J. M. Stevens 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.

said decree bearing date of December 16, 1910, and by said decree and by Transfer Certificate No. 579, being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Township 4 North,
Range 40 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, beginning at Page 450, and that said Transfer Certificate No. 579 has been recorded in Volume 2 of Transfers at Page 579.

That said applicants have become the owners of said land and water right by mesne conveyance.

And that now upon the application of W. G. Burke and C. W. Burke, of Idaho Falls, Idaho, for the transfer of 5.72 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use 5.72 cubic feet per second of the waters of Snake River upon the above described lands is hereby abandoned and the place of use of 5.14 cubic feet per second of the waters under such right hereby confirmed shall, by this Certificate, become appurtenant for irrigation and domestic purposes, after a deduction of ten per cent (10%) or .58 cubic feet per second of said water right has been abandoned to Snake River to compensate other water users for the transmission loss caused by the change in point of diversion, is described as follows, to-wit:

For W. G. Burke, 1.04 cubic feet per second with June 1, 1886, priority, and 2.05 cubic feet per second with April 30, 1900 priority, for use on the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 1 and 2, Section 7, Township 2 North, Range 37 East, B.M. 311 ac

For C. W. Burke, 2.05 cubic feet per second with April 30, 1900 priority, for use on Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5, Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, all in Township 2 North, Range 37 East, B.M.

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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:

1.04 cubic feet per second of the waters of Snake River, with priority of June 1, 1886, and 4.10 cubic feet per second with priority of April 30, 1900.

That the water right hereby transferred has heretofore been conducted from Snake River to the first above described lands through the Nelson Ditch, with point of diversion near the center of Section 36, Township 4 North, Range 40 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Great Western Canal, with point of diversion in the NE $\frac{1}{4}$ Section 35, Township 4 North, Range 37 East, B.M.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 19th day of May, 1953.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer