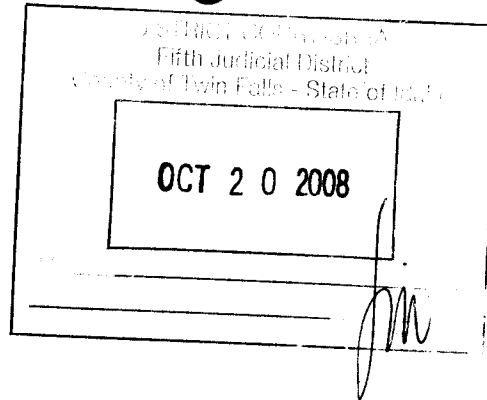


Paul B. Rippel, ISBN 2762
HOPKINS RODEN CROCKETT
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428 Park Avenue
P.O. Box 51219
Idaho Falls, Idaho 83405
(208) 523-4445
Attorneys for Claimant, Glen Bills



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

In Re SRBA	)	Sub Case Nos. 23-11329; 23-11263; 23-11261; 23-
	)	11257; 23-11259; 23-11264; 23-11260; 23-11262;
	)	23-11258; 23-93-B; 23-47D; 23-19D; 23-20B
	)	
Case No. 39576	)	AFFIDAVIT OF COUNSEL RE: FILING OF
	)	DOCUMENTS IN SUPPORT OF
	)	MOTION TO SET ASIDE PARTIAL DECREES
	)	AND CONSOLIDATE ISSUES
_____	)	
STATE OF IDAHO	)	
	) ss.	
County of Bonneville	)	

PAUL B. RIPPEL, being first duly sworn on his oath, deposes and
says as follows:

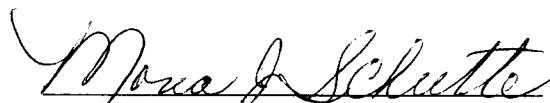
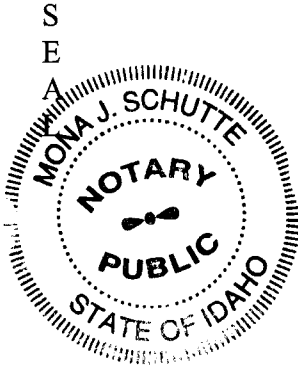
1. I am the attorney for Glen Bills and I have personal
knowledge of the facts stated herein.
2. Attached hereto are true and correct copies of the
AFFIDAVIT OF RENELL WEEKS IN SUPPORT OF MOTION FOR LEAVE
TO FILE A LATE CLAIM, with related map attachment, and the AFFIDAVIT
OF COUNSEL, PAUL B. RIPPEL IN SUPPORT OF MOTION FOR LEAVE TO
FILE A LATE NOTICE OF CLAIM, with related attached Exhibits A through F,
AFFIDAVIT OF COUNSEL RE: FILING OF DOCUMENTS IN SUPPORT OF
MOTION TO SET ASIDE PARTIAL DECREES AND CONSOLIDATE ISSUES - 1

all as previously filed for record in Sub Case No. 23-00020 (Water Right No. 23-11329 under current numbering/reporting).

3. The facts stated therein and related exhibits are submitted in support of Mr. Bills' MOTION TO SET ASIDE PARTIAL DECREES AND CONSOLIDATE ISSUES.



Subscribed and sworn to before me this 17 day of October, 2008.

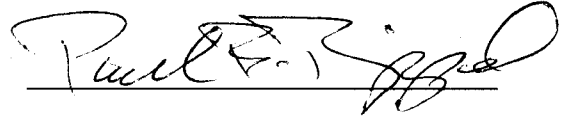


Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 08-12-2014

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons named below, by mail, hand delivery or fax.

DATED this 17th day of October, 2008.



Andrea Courtney, Esq.
Idaho Dept. of Water Resources
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Boise, Idaho 83720-0098

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Attorneys for Petitioner/Plaintiff

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

In Re SRBA	)	Sub Case No. 23-00020
	)	
	)	AFFIDAVIT OF RENELL WEEKS IN
	)	SUPPORT OF MOTION FOR LEAVE TO
	)	FILE A LATE CLAIM
_____	)	

STATE OF IDAHO	)
	) ss.
County of Bonneville	)

RENELL WEEKS states under oath:

1. I am an adult of sound mind and I make this Affidavit based on personal knowledge.

2. I have leased certain lands for a number of years that are owned by Glen Bills, located in the Se 1/4 of Sec. 5, T1N, R44E BM, who has applied for

permission to file a late claim in regard to Water Right Claim No. 23-00020 as it relates to those lands.

3. A neighboring owner has claimed water rights that ought to have been designated as appurtenant to the Bills property. I have tried to clear this up administratively over a number of years but the Idaho Department of Water Resources has deferred being able to make the determination and has referred me on Mr. Bills' behalf, to the SRBA adjudication and that Court.

4. The problem has come about through clerical errors in designating the priority dates for certain water rights, and in the transfer of the lands and water rights over the years. If the errors are not corrected, it could result in a decree awarding more water rights than were originally decreed in the "Rexburg Decree" of 1910, and in an improper designation of the priorities on several properties.

5. IDWR personnel did look into the question and did conclude that there seemed to be a mistake that ought to be corrected. It is my understanding that Mr. Bills' attorney is submitting copies of information to show that we have a good argument on the need to correct this error.

6. Attached hereto is a map on which I have made certain markings in blue pen. Those markings are intended to show the conflict in the claim being made by

the Bills' neighbors in regard to the water rights available for adjudication in the SRBA Court.

7. Rainey Creek in Bonneville County, Idaho, originates in the mountains as can be seen from the topographic markings on the attached map. The earliest and uppermost diversion had a priority date of April 9, 1889. It diverted water across the northerly edge of the valley ("Swan Valley") through what is marked at the Shurtleff ditch. The IDWR and others also refer to this as the Beam Ditch. It was sent to Sec. 36 of T2N, R43E BM and was used near the town site of Swan Valley that is noted on the map. Circled is the name, Lloyd Jacobson. His father was Gustus Jacobson, who through water transfer No. 488, took the 1.6 cfs theretofore dedicated to E 1/2 SE1/4, Sec. 36, T2N, R43E BM, with priority date April 9, 1889, and moved it to N1/2 N1/2 Sec. 4 T1N, R44E, BM.

8. Also marked in blue are a Point of Diversion (POD) and ditches that run in a southwesterly direction to take water to the Bills property and to property marked on the map as Mackay Ranch, Que Hansen and Stephen McGrath. Mackay got the property from John Miller, and because of splits that property had only 2.4 cfs available to be designated to it. Because of the mix up on priority dates, those subsequent owners are now claiming 3.2 cfs, or an extra .8 cfs that simply never did apply to those lands. The ditches are all still visible or in use if needed to verify this information.

9. The water right with a priority of April 9, 1889 was originally decreed to Alfred Joseph Bernard. That water was later transferred to Sec. 4, T1N, R44E, BM under transfer No. 860 and is known as Water Right 23-00021. That 1.6 cfs clearly has nothing to do with the water used on property related to Claim No. 23-00020, but clerical errors in the past made it look as though that water/priority date did apply to the Bills property, and it also therefore made it look like the water from June 20, 1889, also decreed to Mr. Bernanrd, was all available to the Mackay/Hansen/McGrath property, when it was not.

8. The proper priority date for the waters applicable to the Bills property should have been June 20, 1889, which the IDWR designates as being applicable to Water Right 23-00021. The priority date given in Water Right Transfer No. T383-A erroneously give the April 9, 1889 date, and it should have given the June 20, 1889 date.

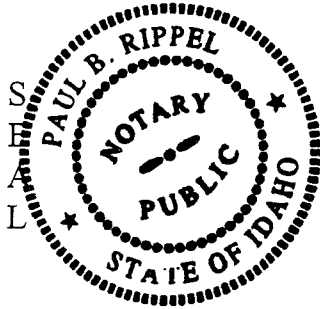
9. Because of these errors, Mackay and his successors have claimed the right to all the water associated with the June 20, 1889 date, which is .8 cfs too much.

10. Because of these errors, not only would the Bills property be denied its correct adjudication, the final adjudication could grant more rights than are available, and therefore it seems in the interests of justice that the Bills should be allowed to file the late claim and go forward with gathering and presenting all the proof to the Court on the proper amounts and dates of waters applicable to property under right No. 23-00020.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Renell Weeks
Renell Weeks

SUBSCRIBED and sworn to before me this 18 day of October, 2004.



Paul B. RippeL
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 02/08/2005

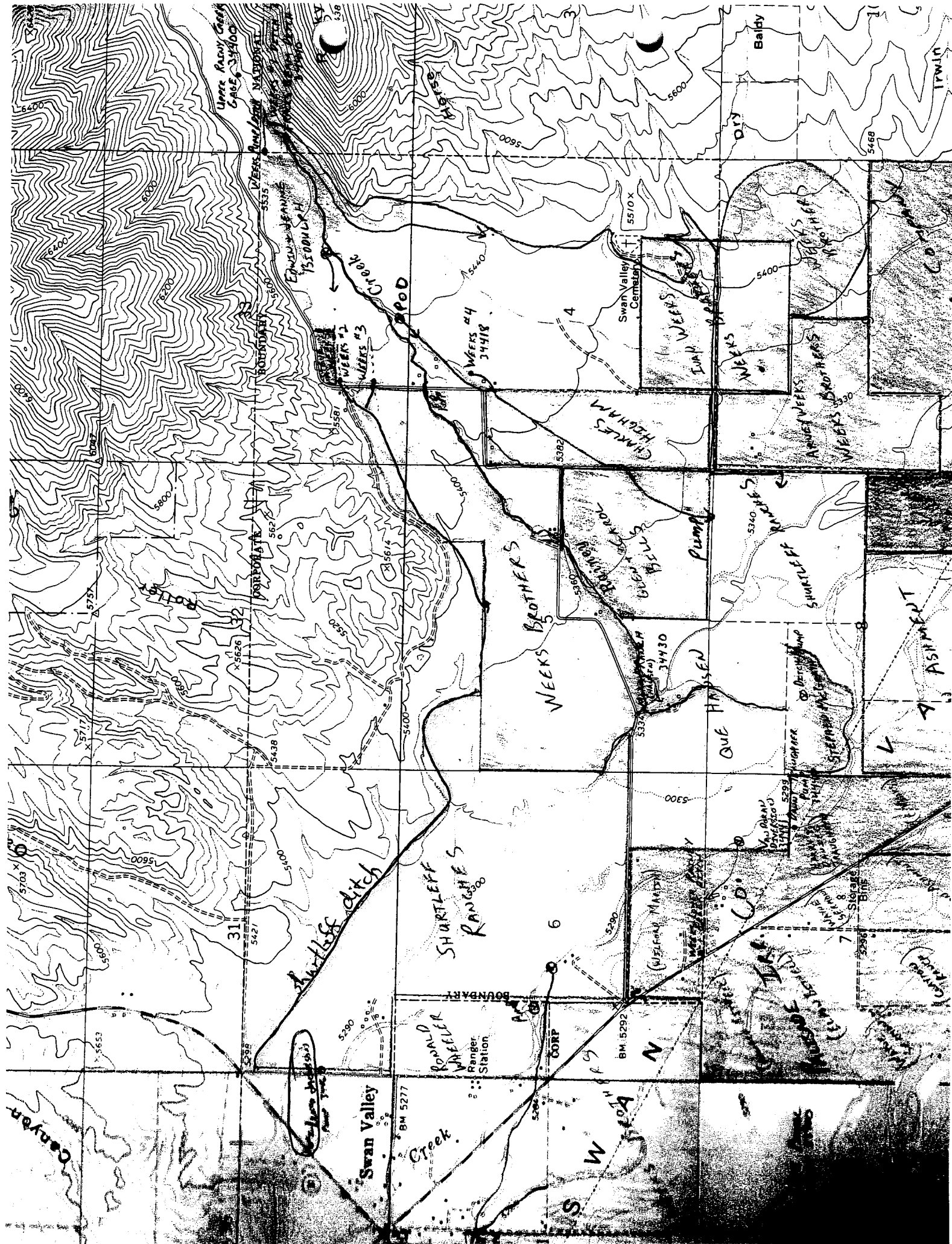
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, by mail, hand delivery or by facsimile transmission.

DATED this _____ day of October, 2004.

_____, Esq.

- [] Mail
[] Hand Delivery
[] Facsimile



Paul B. Rippel, ISBN 2762
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Telephone (208) 523-4445
Attorneys for Petitioner/Plaintiff

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

In Re SRBA	)	Sub Case No. 23-00020
	)	
	)	AFFIDAVIT OF COUNSEL, PAUL B. RIPPEL IN
	)	SUPPORT OF MOTION FOR LEAVE TO
	)	FILE A LATE NOTICE OF CLAIM
_____	)	

STATE OF IDAHO	)
	) ss.
County of Bonneville	)

PAUL B. RIPPEL states under oath:

1. I am an adult of sound mind and I make this Affidavit based on personal knowledge.

2. Attached hereto are true and accurate photocopies of documents obtained from the Idaho Department of Water Resources in relation to water rights in

Basin 23 of the Snake River Basin Adjudication, specifically relating to the waters of Rainey Creek, a tributary of the South Fork of the Snake River in Bonneville, County, Idaho.

3. I and my law firm represent Glen and Carol Bills in this matter in relation to property they own located in the Se 1/4 of Sec. 5, T1N, R44E BM, and leased by Renell Weeks, who has personally resided in Swan Valley all of his life of approximately 69 years.

4. That the question of a claim to be made in this case related to the Bills' property was brought to our firm for assistance in late December 2001 by Mr. Bills through Renell Weeks, and the matter was assigned to my colleague Teresa Sturm, who has just recently resigned from the firm and who is not actively practicing law at this time.

5. Information provided to the firm at that time indicated that Mr. Weeks had a theory of a mistake in the water rights designations which he had tried to pursue with the Idaho Department of Water Resources on the Bills' behalf as early as 1992, but the Department determined that it did not have the authority to determine whether Mr. Weeks theory was correct, informing him that the matter might be resolve through filing of a claim in the SRBA.

6. Ms. Sturm undertook a review of documentation and notes from discussions by my partner Tim Hopkins with Mr. Weeks, but she was unable to decipher the water right to which Mr. Weeks referred, and she therefore did not file a water right claim in this action prior to the normal cutoff date.

7. Subsequently, Mr. Weeks inquired on the Bills' behalf as to how the claim was proceeding, and he was informed a claim had not been filed for the above-stated reasons. Mr. Weeks was angry and insisted that we take affirmative action to get the claim filed. Ms. Sturm was still personally unable to understand the theory presented by Mr. Weeks, in my opinion, because of the very confusing nature of the documents concerning these rights, including old deeds and water right transfers, as it is not easy to understand the errors that were made until one carefully coordinates: (a) original decreed rights and maps of Swan Valley and the Rainey Creek drainage, prior to erroneous designations in water right transfer documents; with, (b) usage and actual delivery of water before and after the erroneous designations, in relation to the land to which those respective waters were decreed in the Rexburg Decree of 1910.

8. Nevertheless, a request for leave to file a late claim in this case was prepared and filed by Ms. Sturm based on Mr. Weeks' certainty and the Bills' wishes not to abandon their rights, and the matter was set for hearing.

9. Ms. Sturm subsequently withdrew from the practice of law and from this firm, and I received assignment of the Bills water rights file. In discussing the file with Ms. Sturm at that time, it was evident that she still did not understand the errors being asserted, though she had pursued filing the request to file a late claim based on the clients' request and Mr. Weeks' representations that there was a valid theory.

10. I too reviewed the documentation available, including Exhibits A through F attached hereto, all of which are true and photocopy reproductions of documents obtained from the State of Idaho, or Idaho title companies (though some of the items have personal notations from either Mr. Weeks or myself that help explain the error for which relief is sought to file a late notice of claim).

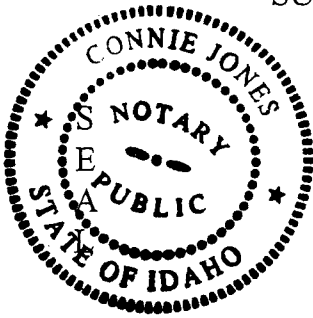
11. That the theory asserted by Mr. Weeks, and even recognized by the IDWR in 1992 was not immediately apparent to me, and I thereafter had to meet with Mr. Weeks for several hours to be able to assist him in preparation of his affidavit, and that meeting time with Mr. Weeks thereafter assisted me in preparing Exhibits A through F.

12. It is my understanding that the claims in Basin 23 and its tributaries to the South Fork of the Snake River, such as Rainey Creek, have not yet been through a final adjudication, and that therefore any other claimants are unlikely to be prejudiced in their own ability to come forward with evidence to prove their claim.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Paul B. Rippel
Paul B. Rippel

SUBSCRIBED and sworn to before me this 19th day of October, 2004.



Connie Jones
Notary Public for Idaho
Residing at: Rigby
My Commission Expires: 1-18-2006

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, by mail, hand delivery or by facsimile transmission.

DATED this _____ day of October, 2004.

_____, Esq.

- ☐ Mail
☐ Hand Delivery
☐ Facsimile

IDAHO DEPT OF WATER RESOURCES
900 N SKYLINE DR
IDAHO FALLS ID 83402
(208) 525-7161

In the District Court
of the Sixth Judicial District of the State of Idaho,
in and for the County of Fremont

DECREE

Roxburg Irrigation Company et al
Plaintiffs,

vs.
Teton Irrigation Canal Company et al,
Defendants.

DECREE OF THE SNAKE RIVER AND ITS TRIBUTARIES

Arranged According to

PRIORITY OF RIGHTS

BY

CLAS. B. DeCAMP, Water Commissioner, Division No. 1

EXHIBIT **A**

PART I.

In the District Court of the Sixth Judicial District of the State of Idaho,
In and for the County of Fremont.

DECREE

REXBURG IRRIGATION COMPANY ET AL.,
Plaintiffs,

VS.

TETON IRRIGATION CANAL COMPANY ET AL.,
Defendants.

INDEX.

Part I.—Official Decree.

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Part II.—Decree Arranged According to Priority of Rights.

Decree of Snake River, as a whole, arranged according to priority of rights	pp. 3 to 23
Decree of Main Snake River	pp. 23 to 25
Decree of South Fork of Snake River and tributaries.....	pp. 26 to 30
Decree of North Fork of Snake River and tributaries.....	pp. 30 to 33
Decree of Fall River and tributaries.....	pp. 34 to 35
Decree of Teton River and tributaries.....	pp. 35 to 44

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Rexburg Irrigation Company et al., Plaintiffs,

vs.

Teton Irrigation Canal Company et al., Defendants.

} DECREE.

This cause coming on to be heard this 16th day of December, 1910, upon the report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to findings of fact, conclusions of law and decree, to be entered herein, and the said F. J. Cowen, having filed his report of the testimony taken, and his recommendations as to findings of fact and conclusions of law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the Court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the report and recommendations of the said Referee, wherefore, by reason of the law and the report and findings of fact and conclusions of law aforesaid,

It is ordered, adjudged and decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for a right to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law of Idaho, from the waters of the Snake River and its tributaries, situated in the Counties of Fremont and Bingham, State of Idaho, their properties to date from the time hereinafter named, to-wit:

- A.
- Acuff, J. H., Watson Slough Irrigation Company.
 - Adams, E. G., 150 inches, June 1, 1895.
 - Adams, Lot, Wearyick Ditch Company and Trego Ditch Company.
 - Allen, Amos, 50 inches, June 1, 1898, Fox Creek.
 - Allen, Charles A., 160 inches, June 1, 1896, Trail Creek.
 - Allen, George W., 220 inches, May 26, 1900, Mahogany Creek.
 - Allen, Isaac T., 50 inches, June 1, 1897, Cherry Creek. All of the waters of Cherry Creek Springs.
 - Almy, C. J., 150 inches, Sept. 24, 1900, Fall River.
 - Allred, I. H., Watson Slough Irrigation Company.
 - American Falls Power & Canal Company, 62,500 inches, Feb. 6, 1895, Snake River.
 - Anderson, A. S., Anderson Canal Company.
 - Anderson Canal Company, 600 inches, Nov. 31, 1898, Spring Creek, near Menan.
 - Anderson, Celia, North Salem Agricultural & Milling Canal Company.
 - Anderson, Charles, 40 inches, June 1, 1899, Teton Creek.
 - Anderson, Johana, and Nephi, Roxanna Canal Company.
 - Anderson, John A., 120 inches, Sept. 1, 1900, seepage waters from independent canal in field of J. L. Rice, estimated at 120 inches; joint appropriation with Carl F. Lund and J. F. Smith, to have all of the water for 5 days after same reaches his ranch in sufficient quantity for irrigation, and the same to be used thereafter by John A. Anderson, Carl F. Lund and J. F. Smith, alternately, each having the use of same every 5 days.
 - Anderson, Lena, Admx. of Estate of Oscar H. Anderson, deceased, North Salem Agricultural & Milling Canal Company.
 - Anderson, Mons H. (See William Walters.)
 - Anderson, Mrs. Hogan, North Salem Agricultural & Milling Canal Company.
 - Anderson, Otto, 200 inches, June 1, 1898, Bannock Jim Slough.
 - Andrews, L. W., 120 inches, June 1, 1890, Grove Creek.
 - Andrews, L. W., 40 inches, water of springs on place.

- Andrews, Heber, and Robert, the Farmers' Friend Canal Company.
 Andrus, Robert, The Farmers' Friend Canal Company.
 Ashmead, Charles, 100 inches, June 1, 1895, Teton Creek.
 Asbury, G. C. (Disclaim any interest.)
 Avery, Mrs. J. (See Talitha C. Avery.)
 Avery, Talitha C., 160 inches, June 1, 1896, Trail Creek.
 B.
 Bagshaw, Ellen, 30 inches, Aug. 15, 1900, Pine Creek.
 Baker & Dixon Ditch Company, 1,150 inches, Aug. 15, 1893, Palisade Creek.
 Baker, Joseph D., 120 inches, June 1, 1903, Sheridan Creek.
 Baker, Richard L., 100 inches, June 1, 1903, Sheridan Creek and Bishop Slough.
 Ballantyne, Martha J. (See Z. Ballantyne.)
 Ballantyne, Z., 160 inches, June 1, 1884, Spring Creek, near Menan.
 Ballantyne, Z., 120 inches, Nov. 14, 1899, Spring Creek, near Menan.
 Barnes, Charles W., The Farmers' Friend Canal Company.
 Barnes, Thomas H., The Farmers' Friend Canal Company.
 Barney, Walter, 160 inches, June 1, 1891, South Leigh Creek.
 Barney, Walter W., 120 inches, June 1, 1896, South Leigh Creek.
 Barrett, C. H., The Farmers' Friend Canal Company.
 Barrett, E. C., The Farmers' Friend Canal Company.
 Barrett, Nathan A., 160 inches, May 11, 1900, Driggs Springs and waters from swamp.
 Barrus, John N., 160 inches, May 20, 1889, Palisade Creek.
 Barrus, John N., 140 inches, June 30, 1890, Palisade Creek.
 Barrus, R. N., Watson Slough Irrigation Company.
 Bates, Thomas, 140 inches, May 3, 1889, Mahogany Creek.
 Beam, Charles, 120 inches, June 1, 1895, Rainey Creek.
 Beam, Frank, 40 inches, June 1, 1898, Rainey Creek.
 Beam, Herbert L., 150 inches, June 1, 1891, Rainey Creek.
 Beam, Matilda E., 80 inches, Sept. 19, 1897, Rainey Creek.
 Beam, Nellie M., 80 inches, June 1, 1893, Rainey Creek.
 Beard, James T., 200 inches, Apr. 1, 1896, Teton River.
 Beasley, Joseph, 70 inches, June 1, 1899, Teton River. Also springs on ranch.
 Beckstrand, Charley, Enterprise Canal Company.
 Beckstrom, Niels, The Sunnyside Irrigation Company.
 Beezley, Ebenezer, and J., 80 inches, June 1, 1889, Fox Creek.
 Beezley, Ebenezer, and J., 80 inches, June 1, 1890, Fox Creek.
 Bell, Joseph, 260 inches, Sept. 26, 1889, Fall River.
 Belnap, A. W., North Salem Agricultural & Milling Canal Company.
 Bernard, Alfred Joseph, 160 inches, Apr. 15, 1889, Rainey Creek.
 Bernard, Alfred Joseph, 80 inches, June 20, 1889, Rainey Creek.
 Bernard, Alfred Joseph, 80 inches, Apr. 9, 1889, Rainey Creek.
 Bernston, Richard, 160 inches, June 1, 1899, Badger Creek.
 Bess, O. C., The Farmers' Friend Canal Company.
 Bettis, Alice, and Joseph, 80 inches, May 1, 1893, Trail Creek.
 Bevan, Maria, 80 inches, Apr. 6, 1901, Swamp Creek.
 Bigler, Jesse E., 320 inches, May 1, 1893, Moody Creek; to be reduced to 160 inches after June 20th in each year.
 Bigler, Mark S., Good Luck Canal Company and Pioneer Ditch Company.
 Birch, Mary H., Admx. Estate of Thomas Birch, deceased, Pioneer Ditch Company.
 Birch, Mary H., Admx. Estate of Samuel Stewart, deceased; and
 Birch, Mary H. (See Stewart, Samuel deceased, Mary H. Birch, Admx.)
 Bird, Martin L., F. W. Garner and Geo. A. Pincock, 444 inches, March 1, 1884, Pincock-Garner Ditch.
 Bird, Martin L., F. W. Garner and Geo. A. Pincock, 800 inches, April 1, 1898, Pincock-Garner Ditch.
 Bishop, J. B., 300 inches, May 10, 1889, Sheridan Creek.

the balance of the irrigating season
 Sanders, David A., Wolf Ditch Company.
 Sandstrom, Carl E. (Decreed to City of Idaho Falls.)
 Sautter, John G., 50 inches, June 1, 1900, North Leigh Creek.
 Sautter, John G., 110 inches, June 1, 1904, North Leigh Creek.
 Schneeibly, Julius A., 120 inches, June 1, 1889, Rainey Creek.
 Schneeibly, Julius A., 50 inches, May 1, 1895, Rainey Creek.
 Schwendiman, Magdalena, Pioneer Ditch Company.
 Scotts, Hyrum, Lowder Canal Company.
 Seely Brothers (a partnership composed of O. T., A. H. and George Seely),
 180 inches, June 1, 1891, Fall River.
 Sermon, Robert, The Farmers' Friend Canal Company.
 Seymour, E. B., 300 inches, June 1, 1886, Spring Creek.
 Shaw, L. C., 200 inches, June 1, 1891, Badger Creek, and water from
 springs on T. A. Phillips' land.
 Shaw, O. W., 135 inches, June 1, 1890, North Leigh Creek or Spring Creek.
 Sherman, Abel F., 70 inches, Oct. 15, 1894, Spring Creek, a tributary of
 Trail Creek.
 Sherman, E. H., and Sarah E., 100 inches, June 1, 1886, Duck Creek.
 Sherman, E. H., and Sarah E., 160 inches, June 1, 1889, Duck Creek.
 Sherman, E. H., and Sarah E., 200 inches, June 8, 1893, Duck Creek.
 Sherman, E. H., and Sarah E., 500 inches, June 1, 1895, Duck Creek, Rock
 Creek, and Hope Creek.
 Sherman, E. H., and Sarah E., 140 inches, Oct. 4, 1895, Hope Creek and
 Duck Creek.
 Sherman, E. H., and Sarah E., 100 inches, June 1, 1896, Hope Creek and
 Duck Creek.
 Sherman, E. H., and Sarah E., 50 inches, June 1, 1897, Duck Creek and
 Springs.
 Sherman, E. H., and Sarah E., 80 inches, Oct. 10, 1897, Duck Creek.
 Sherman, E. H., and Sarah E., 200 inches, Nov. 25, 1902, North Fork of
 Snake River.
 Sherman, William D., 160 inches, June 1, 1896, Trail Creek.
 Sheser, William, 10 inches, June 1, 1899, Badger Creek.
 Sheser, William, 150 inches, June 1, 1902, Seepage water rising in Springs
 on place.
 Shirts, Wallace, 40 inches, May 15, 1902, Trail Creek.
 Short, Oscar, and Mrs. Shurtliff, The Farmers' Friend Canal Company.
 Shurtliff, William, 150 inches, June 1, 1889, Rainey Creek.
 Shurtliff, William, 120 inches, June 1, 1891, Rainey Creek.
 Siddoway-Briggs Company, 2,600 inches, June 1, 1891, Teton River. (For
 power purposes.)
 Siddoway-Briggs Company, 4,200 inches, June 1, 1903, Teton River. (For
 power purposes.)
 Siddoway Irrigation & Manufacturing Company, 766 inches, Apr. 1, 1898,
 Teton River.
 Siddoway Irrigation & Manufacturing Company, 300 inches, July 1, 1891,
 Teton River.
 Siddoway Irrigation & Manufacturing Company, 384 inches, June 1, 1892,
 Teton River, from July 1st of each year for the balance of the irri-
 gating season.
 Silkey, J. R., 400 inches, June 1, 1890, Fall River; also right bought from
 W. P. Drake.
 Simmons, A. B., The Farmers' Friend Canal Company.
 Simmons, A. H., 160 inches, Oct. 15, 1900, Tom Creek.
 Simmons, Charles C., 160 inches, Oct. 15, 1900, Tom Creek.
 Simmons, Eli, The Farmers' Friend Canal Company.
 Simmons, George, The Farmers' Friend Canal Company.
 Simmons, Inez, and A. H., 160 inches, Oct. 15, 1900, Tom Creek.
 Simmons, John, 60 inches, June 1, 1899, North Leigh Creek.

amount so assessed against him to the the Clerk of this Court.

And it is further ordered that each party hereto shall pay his own necessary costs for witnesses and other individual expenses.

This decree is rendered and entered without prejudice as to any and all rights or claims to waters of Snake River, or any of its tributaries, or any of the parties to this action, who are not in default herein, and whose rights accrued or would take priority as of a date subsequent to the first day of June, 1906.

It is further ordered, adjudged and decreed that the above mentioned and described awards of the right to use the waters of Snake River and its tributaries, respectively, are declared to be appurtenant to and are awarded for the purposes of irrigating the following described lands of the respective claimants, and for the following manufacturing, power, and other purposes, respectively, to-wit:

- Acuff, J. H., a tract of land lying adjacent to the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lots 3 and 4, Sec. 15; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 16, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 16, T. 3 S., R. 34 E., B. M., containing 160 acres.
- Adams, E. G., S $\frac{1}{2}$ of NE $\frac{1}{4}$ and N $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec 12, T. 5 N., R. 44 E., B. M., containing 160 acres.
- Adams, Lot, S $\frac{1}{2}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 2, T. 3 S., R. 34 E., B. M., containing 160 acres.
- Allen, Amos, NW $\frac{1}{4}$ Sec. 35, T. 4 N., R. 45 E., B. M.
- Allen, Charles A., NW $\frac{1}{4}$ Sec. 1, T. 3 N., R. 45 E., B. M.
- Allen, Darius H., E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 21 and NW $\frac{1}{4}$ of Sec. 27, T. 1 N., R. 37 E., B. M., containing 240 acres.
- Allen, Eliza B., E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 22 and W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 23, T. 1 N., R. 37 E., B. M., containing 160 acres.
- Allen, George W., NW $\frac{1}{4}$ of Sec. 5 and NE $\frac{1}{4}$ Sec. 6, T. 4 N., R. 45 E., B. M.; W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 32 and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 31, T. 5 N., R. 45 E., B. M., containing 480 acres.
- Allen, Isaac T., N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 12, T. 3 N., R. 45 E., B. M., containing 80 acres.
- Allen, James V., SE $\frac{1}{4}$ of Sec. 3, T. 6 N., R. 45 E., B. M.
- Allred, I. H., SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 9; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 16; E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 19, T. 3 S., R. 34 E., B. M., containing 200 acres.
- Almy, C. J., Lot 6, Sec. 21; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lot 5 of Sec. 22 and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 28, T. 8 N., R. 42 E., B. M.
- American Falls Canal & Power Company—
Lands in Township 2 South, Range 34 East, B. M.:

	Acres.
North half Southwest quarter Section 28.....	80
Southeast quarter Northwest quarter Section 28.....	40
Southeast quarter Southwest quarter Section 29.....	40
Southwest quarter Southeast quarter Section 29.....	40
North half Southeast quarter Section 29.....	80
Southwest quarter Northeast quarter Section 31.....	40
Lands in Township 2 South, Range 35 East, B. M.:	
Northeast quarter Section 9.....	160
Northwest quarter Section 9.....	160
South half Southeast quarter Section 4.....	80
South half Southwest quarter Section 4.....	80
Lands in Township 3 South, Range 33 East, B. M.:	
Southeast quarter Section 10.....	160
Southeast quarter Section 13.....	160
Southeast quarter Section 14.....	160
South half Northeast quarter Section 14.....	80
South half Northwest quarter Section 14.....	80

- of SW $\frac{1}{4}$ of SW $\frac{1}{4}$), and Lot 6, Sec. 13, T. 5 S., R. 32 E., B. M., containing 442 acres.
- Bauman, Herman, NE $\frac{1}{4}$ of Sec. 23, S $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 34, T. 3 N., R. 38 E., B. M., containing 240 acres.
- Beach, A. W., S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35, T. 3 N., R. 38 E., B. M., containing 120 acres.
- Beahrensmeyer, Grace P., and H. H. Plank, N $\frac{1}{2}$ of Sec. 21 and N $\frac{1}{2}$ of S $\frac{1}{2}$ of Sec. 21, T. 1 N., R. 38 E., B. M., containing 480 acres.
- Beam, Charles A., SE $\frac{1}{4}$ NE $\frac{1}{4}$ and Lots 1, 2 and 3 of Sec. 4, T. 1 N., R. 44 E. B. M.
- Beam, Frank, Lot 1, Sec. 5, T. 1 N., R. 44 E., B. M.
- Beam, Herbert L., SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 4, T. 1 N., R. 44 E., B. M., containing 160 acres.
- Beam, Matilda E., SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 33, T. 2 N., R. 44 E., B. M., containing 80 acres.
- Beam, Nellie M., SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 33, T. 2 N., R. 44 E., B. M., and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 4, T. 1 N., R. 44 E., B. M.
- Beard, James T., N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 22, T. 7 N., R. 41 E.; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 14; E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 15, T. 7 N., R. 41 E., B. M., containing 240 acres.
- Beasley, Joseph, S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 35, T. 5 N., R. 45 E.; Lot 1 of Sec. 3, Lot 4 of Sec. 2, T. 4 N., R. 45 E., B. M.
- Beasley, S. J., SW $\frac{1}{4}$ of Sec. 15, T. 1 N., R. 38 E., B. M., containing 160 acres.
- Beckstead, W. W., beginning 50 rods S of NE corner of NE $\frac{1}{4}$ of Sec. 15, T. 6 N., R. 40 E., B. M., thence S. 50 rods, thence W. 160 rods, thence N. 50 rods, thence E. 160 rods, to beginning, containing 50 acres.
- Beezley, Ebenezer, and J., NE $\frac{1}{4}$ of Sec. 23, T. 4 N., R. 45 E., B. M., containing 160 acres.
- Beguin, J. W., E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 25, T. 1 N., R. 37 E., B. M., containing 80 acres.
- Bell, Joseph, E $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 20, T. 8 N., R. 42 E., B. M., containing 160 acres.
- Belnap, A. W., E $\frac{1}{2}$ of W $\frac{1}{2}$ of Sec. 32, T. 7 N., R. 40 E., B. M., containing 160 acres.
- Benton, C. E., SW $\frac{1}{4}$ of Sec. 27, T. 1 N., R. 37 E., B. M., containing 160 acres.
- Bernard, Alfred Joseph, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7; N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 8; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 5, T. 1 N., R. 44 E., B. M.; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 36, T. 2 N., R. 44 E., B. M.; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 6, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 5, T. 1 N., R. 44 E., B. M., containing in all 320 acres.
- Bernston, Richard, E $\frac{1}{2}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and Lot 3, Sec. 6, T. 6 N., R. 45 E., B. M.
- Bettis, Alice, and Joseph, W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 14, T. ?? N., R. 45 E., B. M., containing 80 acres.
- Bevan, Maria, N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 17, T. 5 N., R. 45 E., B. M., containing 80 acres.
- Big Bend Land Company, lands of stockholders, the description of said lands and the names of said stockholders not being given in the pleadings of said company.
- Bigler, Jesse E., NE $\frac{1}{4}$ of Sec. 13, T. 6 N., R. 40 E., B. M., containing 160 acres.
- Birch, Mary H., Adminx. of Estate of Thomas Birch, deceased, lands under "Stewart Ditch." (NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 30, T. 7 N., R. 41 E., B. M., containing 40 acres.)
- Bishop, J. B., S $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 2, T. 12 N., R. 41 E., B. M.; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 2, and NE $\frac{1}{4}$ of Sec. 11, T. 12 N., R. 41 E., B. M.
- Bishop, Jennie, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 1, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 12; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 1

PART II.

DECREE OF THE SNAKE RIVER AND ITS TRIBUTARIES

Arranged According to

PRIORITY OF RIGHTS

By

CHAS. H. DeCAMP, Water Commissioner Division No. 1.

REXBURG IRRIGATION COMPANY ET AL.,

Plaintiffs,

VS.

TETON IRRIGATION CANAL COMPANY, ET AL.,

Defendants.

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Part II.—Decree Arranged According to Priority of Rights.

Decree of Snake River, as a whole, arranged according to priority of rights	pp. 3 to 23
Decree of Main Snake River	pp. 23 to 25
Decree of South Fork of Snake River and tributaries.....	pp. 26 to 30
Decree of North Fork of Snake River and tributaries.....	pp. 30 to 33
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Note—The following Decree, Part II., arranged with regard to priority of rights on the Snake River as a whole, and the Decree of the tributaries arranged separately, are for reference only. The original Decree as rendered by the Court, contained in Part I., is the official Decree.

CHAS. H. DeCAMP,
Water Commissioner Division No. 1.

	Fork of Snake River	
2	60 Bernard, Alfred Joseph; Apr. 9, 1889; Rainey Creek....	5,000
2	61 Bernard, Alfred Joseph; Apr. 15, 1889; Rainey Creek..	80
2	66 Barrus, John N.; May 20, 1889; Palisade Creek.....	160
2	66 Burton, Hannah; May 20, 1889; Palisade Creek.....	160
2	66 Nelson, Anton; May 20, 1889; Palisade Creek.....	150
2	67 Liberty Park Irrigation Co.; June 1, 1889; Bannock Jim Slough	180
2	67 Englis, Charles, and Mrs. L. M.; June 1, 1889; Rainey Creek	1,900
2	67 Reid Canal Co.; June 1, 1889; South Fork of Snake River	150
2	67 Lyman Canal Co.; June 1, 1889; South Fork of Snake River	4,000
2	67 Long Island Irrigation Co.; June 1, 1889; South Fork of Snake River	1,200
2	67 Sunnyside Irrigation Canal Co.; June 1, 1889; South Fork of Snake River	2,000
	67 Olive, O. H.; June 1, 1889; Bannock Jim Slough.....	1,000
	67 Shurtliff, William; June 1, 1889; Rainey Creek.....	600
	67 Schneebly, Julius A.; June 1, 1889; Rainey Creek.....	150
	67 Ruddy Irrigation Canal Co., Ltd.; June 1, 1889; South Fork of Snake River	120
	67 Lenroot Canal Co.; June 1, 1889; South Fork of Snake River	1,500
	68 Streeper, Howard; June 2, 1889; South Fork of Snake River	300
	72 Bernard, Alfred Joseph; June 20, 1889; Rainey Creek...	300
	76 McGibbon, John; Sept. 1, 1889; Rainey Creek.....	80
	83 Wedekin, George; Apr. 7, 1890; Pritchard Creek.....	160
	84 Yeamen, M. D.; May 1, 1890; Porcupine Creek.....	160
	85 Englis, Charles, and Mrs. L. M.; June 1, 1890; Rainey Creek	60
	85 Bitton, W. S.; June 1, 1890; Spring Creek, near Menan	150
	86 Burgess Canal & Irrigation Co.; June 10, 1890; South Fork of Snake River	300
	87 Burrus, John M.; June 30, 1890; Palisade Creek.....	12,000
	87 Burton, Hannah; June 30, 1890; Palisade Creek.....	140
	89 Harrison Canal & Irrigation Co.; July 12, 1890; South Fork of Snake River	210
	91 Weeks, Samuel C.; Aug. 20, 1890; Palisade Creek.....	12,000
	92 McGibbon, John; Sept. 1, 1890; Rainey Creek.....	165
	98 Carlson, Peter O.; June 1, 1891; Bannock Jim Slough..	80
	98 Texas Slough Irrigating Canal Co.; June 1, 1891; Texas Slough and Bannock Jim Slough	240
	98 Bean, Herbert L.; June 1, 1891; Rainey Creek.....	700
	98 Shurtliff, William; June 1, 1891; Rainey Creek.....	150
	98 Island Irrigation Co.; June 1, 1891; South Fork of Snake River	120
	102 Idaho Canal & Improvement Co.; Dec. 14, 1891; Snake River (Government Reservation Canal)	4,500
	104 Weeks, Samuel C.; May 1, 1892; Palisade Creek.....	30,000
	104 Yeamen, M. D.; May 1, 1892; Deer Creek.....	40
	105 Lowder Canal Co.; June 1, 1892; South Fork of Snake River	60
	105 Texas Slough Irrigating Canal Co.; June 1, 1892; Texas Slough and Bannock Jim Slough	1,300
	106 Corbett, Harlan; June 6, 1892; Rainey Creek.....	700
	112 Oakden, Robert; June 1, 1893; Rainey Creek.....	100
	112 Texas Slough Irrigating Canal Co.; June 1, 1893; Texas	160

	Slough and Bannock Jim Slough.....	700
112	Beam, Nellie M.; June 1, 1893; Rainey Creek.....	80
115	Baker & Dixon Ditch Co.; Aug. 15, 1893; Palisade Creek.....	1,500
117	Dilts & Labelle Ditch Co.; June 1, 1894; South Fork of Snake River.....	1,400
117	Texas Slough Irrigating Canal Co.; June 1, 1894; Texas Slough and Bannock Jim Slough.....	700
122	Harrison Canal & Irrigation Co.; Jan. 9, 1895; South Fork of Snake River.....	8,000
124	Enterprise Canal Co.; Mar. 22, 1895; South Fork of Snake River.....	6,000
126	Schneebly, Julius A.; May 1, 1895; Rainey Creek.....	50
129	Burgess Canal & Irrigation Co.; June 1, 1895; South Fork of Snake River.....	8,000
129	Wheat, W. E.; June 1, 1895; Little Sheep Creek and Big Elk Creek.....	150
129	Texas Slough Irrigating Canal Co.; June 1, 1895; Texas Slough and Bannock Jim Slough.....	600
129	Beam, Charles; June 1, 1895; Rainey Creek.....	120
141	Corbett, J. N.; May 7, 1896; Rainey Creek.....	155
142	Meeds, W. A.; May 15, 1896; Rainey Creek.....	155
154	Corbett, Ira A.; June 1, 1897; Rainey Creek.....	160
158	Wedekin, R. R.; June 23, 1897; Pritchard Creek.....	160
160	Beam, Matilda E.; Sept. 19, 1897; Rainey Creek.....	80
164	Enterprise Canal Co.; Apr. 15, 1898; South Fork of Snake River.....	3,400
169	McKay, J. W., and William Johnson and Samuel Weeks, Jr.; June 1, 1898; Palisade Creek.....	160
169	Weeks, Samuel, Jr.; June 1, 1898; Palisade Creek.....	160
169	Beam, Frank; June 1, 1898; Rainey Creek.....	40
169	Johnson, William, and J. W. McKay and Samuel Weeks, Jr.; June 1, 1898; Palisade Creek.....	160
169	Anderson, Otto; June 1, 1898; Bannock Jim Slough....	200
171	Caldwell, John T.; June 15, 1898; Rainey Creek.....	120
171	Caldwell, Charles; June 15, 1898; Rainey Creek.....	120
172	Spackman, Charles A.; June 30, 1898; Garden Creek and waters from small lake.....	100
177	Corbett, V. W.; Oct. 24, 1898; Rainey Creek.....	70
179	Anderson Canal Co.; Nov. 30, 1898; Spring Creek, near Menan.....	600
184	Weeks, Hurum J.; June 1, 1899; Palisade Creek.....	50
184	Lenroot Canal Co.; June 1, 1899; South Fork of Snake River.....	4,300
186	Dixon, Charles S.; July 1, 1899; Rainey Creek.....	20
190	Ballantyne, Z.; Nov. 14, 1899; Spring Creek, near Menan.....	120
194	Mattson, B. C., and C. G.; Apr. 30, 1900; South Fork of Snake River.....	1,000
197	Gibson, Wesley; May 18, 1900; Spring Creek.....	300
198	DeRome, Peter; May 23, 1900; Indian Creek.....	100
200	Dixon, Charles S.; June 1, 1900; Rainey Creek.....	30
200	Lowder Canal Co.; June 1, 1900; South Fork of Snake River.....	1,300
200	Ruddy Irrigation Canal Co., Ltd.; June 1, 1900; South Fork of Snake River.....	700
200	Swan Valley Irrigation Co.; June 1, 1900; Palisade Creek.....	1,800
202	Henry, Mary A.; June 29, 1900; Indian Creek.....	240
202	Henry, John; June 29, 1900; Indian Creek.....	200
203	Grove, M. K.; July 5, 1900; Indian Creek.....	160

THIS INDENTURE, Made this 8th day of October, in the year of our Lord one thousand nine hundred and Seventeen between Alfred Joseph Bernard, a bachelor.

of the County of Bonneville, State of Idaho
the part y of the first part, and Robert E. Miller.

of the County of Bonneville, State of Idaho
the part y of the second part,

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of
Twenty-two thousand two hundred (\$22,200.00) DOLLARS,
lawful money of the United States of America, to him in hand paid by the part y of the second part, the receipt
whereof is hereby acknowledged, he has Granted, Bargained and Sold, and by these presents does Grant, Bargain, Sell, Convey
and Confirm, unto the said part y of the second part, and to his heirs and assigns, forever, all the following
described real estate, situated in Bonneville County, State of Idaho, to-wit:

The Northeast Quarter of the Northeast Quarter of Section Seven (7);
The North Half of the Northwest Quarter of Section Eight (8) and the
Southeast Quarter of the Southwest Quarter of Section Five (5) in
Township One (1) North of Range Forty-four (44) East 3. E. The Southeast
Quarter of the Southeast Quarter of Section Six (6) and the Southwest
Quarter of the Southwest Quarter of Section Five, in Township One (1)
North of Range Forty-four (44) East 3. E. The Southeast Quarter of Section
Five (5) in Township One (1) North of Range Forty-four (44) East 3. E.
together with all of the water rights appurtenant to the above described
land.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise
appertaining, and the reversion and reversions, remainder and remainders, rents, issue and profits thereof, and all estate, right,
title, and interest in and to the said property, as well in law as in equity, of the said part y of the first part.
TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances,
unto the part y of the second part, and to his heirs and assigns, forever, that they, their heirs and assigns, shall and lawfully
shall the said premises in the quiet and peaceable possession of the said part y of the second part, and
his heirs and assigns, against the said part y of the first part, and his heirs and assigns, and against all and every
person and persons, whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever
DEFEND.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal
the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Otto E. McCutcheon.

Alfred Joseph Bernard. [SEAL]

[SEAL]

[SEAL]

[SEAL]

STATE OF IDAHO,

County of Bonneville } ss.
On this 8th day of October

Otto E. McCutcheon

, in the year 1917, before me

in and for said County, personally appeared Alfred Joseph Bernard, a bachelor.

a Notary Public.

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me
that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day
and year in this certificate first above written.

[SEAL]

Otto E. McCutcheon.

Residing at Idaho Falls, Idaho. Notary Public.

Recorded at the request of Otto E. McCutcheon,

J. W. Jordan.

Oct 19th, 1917 at 1:30 P. M.

Recorder's fee, \$1.25

By Harry R. Riefler Recorder.
Dep. Recorder.

EXHIBIT B

MEMO

DATE: AUGUST 7, 1992

FROM: GREG TAYLOR

RE: W.R. NO. 23-00020, T383 AND T383-A

PURPOSE:

Mr. Ranell Weeks of Swan Valley believes that 0.80 cfs (1/2) of right no. 23-00020 pertains to land he leases in the SE1/4 Sec. 05, T01N, R44E. Water District 01 has apparently delivered this right to him in the past, but this year Que Hansen insisted that he owned the water right. It was determined that the right was appurtenant to Hansen's land instead of Weeks' by using the IDWR computer database.

FINDINGS:

(1) a. According to Water District 01 Decree Book there is a right with an April 9, 1889 priority date for 1.60 cfs and is owned by A.J. Bernard(23-00021).

b. According to Water District 01 Decree Book there is a right with an April 15, 1889 priority date for 3.20 cfs and is owned by S.J. Weeks and John Miller(23-00019A & B).

c. According to Water District 01 Decree Book there is a right with a June 20, 1889 priority date for 1.60 cfs and is owned by S.J. Weeks and John Miller(23-00020).

(2) Water District 01 Decree Book has 23-00020 split with 0.80 cfs to S.J. Weeks and 0.80 cfs to John Miller.

(3) Mr. Ranell Weeks came into the I.D.W.R. Idaho Falls office on July 16, 1992. He spoke with Keith Wilson and Greg Taylor, and submitted two(2) Certificates of Transfer dated July 19, 1926. The transfer nos. were T383 and T383-A.

(4) T383 transferred 1.60 cfs of an April 15, 1889 water right off of the SE1/4 SE1/4 Sec. 06; NE1/4 NE1/4 Sec. 07; S1/2 SW1/4 Sec. 05, and the N1/2 NW1/4 sec. 08, T01N, R44E and the water became appurtenant to the SE1/4 Sec. 05, T01N, R44E. This right is 23-00019.

(5) T383-A transferred 0.80 cfs of an April 9, 1889 water right off of the SE1/4 SE1/4 Sec. 06; NE1/4 NE1/4 Sec. 07; S1/2 SW1/4 Sec. 05, and the N1/2 NW1/4 Sec. 08, T01N, R44E and the water became pertinent to the SE1/4 Sec. 05, T01N, R44E. This right would seem to be 23-00021 because it is the only right on Rainey Creek with a 4-9-1889 priority date. Mr. Weeks believes the priority date on the transfer should be June 20, 1889 and therefore, right no. 23-00020.

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EXHIBIT

C

(6) T488 dated 1930 transferred all of 23-00021 off of the original place of use in E1/2 SW1/4 Sec. 36, and onto land in the N1/2 N1/2 Sec. 04, T01N, R44E.

(7) T860 dated 1955 transferred all of 23-00021 off of land in N1/2 N1/2 Sec. 04 and onto land in Lots 1, 2, 3 and SENE Sec. 04, T01N, R44E.

(8) Archie McKay filed a Notice of Claim on 23-00020 in 1989 for the entire right.

(9) Que Hansen submitted a change of Ownership for A23-00020 in June 1992.

(10) Dennis Bitton asked Tony Olenichak, Hydrologist for W.D. 01, in June 1992 who should be delivered 23-00020. Tony checked the Department database and discovered that 23-00020 pertains to Que Hansen's land and not Mr. Weeks'.

(11) The Department Database does not reference T383-A.

(12) Mr. Weeks did not file a claim in the Snake River Basin Adjudication for right no. 23-00020.

CONCLUSIONS:

(1) The priority date for the water right in T383-A probably should have been June 20, 1889. Evidence supports the fact that T488 and T860 were for 4-9-89 water right from Sec. 36 to Sec. 04.

(2) Tony used the best available data at that time when he notified Dennis Bitton that he should deliver 23-00020 to Hansen only. Keith Wilson and I also used the data we had available when we told Mr. Weeks that 23-00020 is not appurtenant to his land.

(3) Mr. Weeks has been contacted and informed that it may be in his best interest to file a Notice of Claim in the ongoing Snake River Basin Adjudication, on that portion of 23-00020 that he believes he now holds

(4) Delivery of right No. 23-00020 will be according to the discretion of the Water Master of Water District 01.

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finning, containing 30 acres.
 of Sec. 31, T. 7 N., R. 40 E., B. M., containing
 ¼ of Sec. 31, T. 7 N., R. 40 E., containing 80
 Sec. 31, T. 7 N., R. 40 E., B. M., containing
 and 6, and NW¼ of SE¼ of Sec. 20, T. 5 N.,
 160 acres.
 4, SE¼ of NW¼ and Lot 2, Sec. 6, T. 3 N.,
 19, SE¼ SE¼ of Sec. 26, and SW¼ of SW¼
 E., B. M., containing 160 acres.
 36, T. 1 N., R. 37 E., B. M., containing 160
 Sec. 11, E½ of SW¼ of Sec. 11, S½ of NE¼
 E., B. M., containing 320 acres.
 SW¼ of Sec. 12, N½ of NE¼ and SE¼ of
 R. 44 E., B. M., containing 200 acres.
 SW¼ of Sec. 1 and E½ of SE¼ of Sec. 2,
 T. 7 N., R. 45 E., B. M.
 4 and E½ of SE¼ of Sec. 8, T. 3 N., R. 45 E.
 Dixon Ditch Company.
 and Lots 3 and 4, Sec. 20, T. 1 N., R. 44 E.,
 160 acres.
 W¼, SE¼ of NW¼, NW¼ of SW¼ Sec. 9,
 containing 160 acres.
 W¼, SW¼ of NE¼, N½ of SW¼ and lots
 4, R. 44 E., B. M., containing 320 acres.
 E¼ and NE¼ of SE¼ Sec. 21; SW¼ of NW¼
 T. 1 N., R. 44 E., B. M.
 NE¼, NE¼ of NE¼, NE¼ of SE¼ Sec. 16,
 containing 160 acres.
 and 2 and N½ of SE¼ of Sec. 6, T. 12 N.,
 160 acres.
 Sec. 8, T. 12 N., R. 42 E., B. M., containing
 29, T. 5 N., R. 38 E., B. M., containing 160
 Sec. 10, T. 3 N., R. 45 E., B. M., containing
 NW¼ of Sec. 32, T. 6 N., R. 46 E. B. M., con-
 taining E½ of SW¼ and SW¼ of SE¼ of Sec.
 M., containing 160 acres.
 (description given.)
 d 4, Sec. 28, SE¼ of SE¼ of Sec. 21; N½ of
 of SW¼ of Sec. 22, T. 1 N., R. 44 E., B. M.,
 of Sec. 14 and E½ of E½ of Sec. 15, T. 3 S.,
 320 acres.
 c 24, T. 4 N., R. 44 E., B. M., containing 160
 William, Lots 3, 5 and 7, and SW¼ of NE¼ of
 d S½ of NE¼ of Sec. 9, and NW¼ of NW¼
 (except ten acres in square form in SE corner

of SW¼ of SW¼), and Lot 6, Sec. 13, T. 5 S., R. 32 E., B. M., contain-
 ing 442 acres.
 Bauman, Herman, NE¼ of Sec. 23, S¼ of NW¼ of Sec. 34, T. 3 N., R. 38
 E., B. M., containing 240 acres.
 Beach, A. W., S½ of SE¼ of Sec. 34, SW¼ SW¼ of Sec. 35, T. 3 N., R.
 38 E., B. M., containing 120 acres.
 Beahrensmeier, Grace P., and H. H. Plank, N½ of Sec. 21 and N½ of S½
 of Sec. 21, T. 1 N., R. 38 E., B. M., containing 480 acres.
 Beam, Charles A., SE¼ NE¼ and Lots 1, 2 and 3 of Sec. 4, T. 1 N., R. 44
 E. B. M.
 Bean, Frank, Lot 1, Sec. 5, T. 1 N., R. 44 E., B. M.
 Beam, Herbert L., SW¼ of NE¼, SE¼ of NW¼, NE¼ of SW¼ and
 NW¼ of SE¼ of Sec. 4, T. 1 N., R. 44 E., B. M., containing 160 acres.
 Beam, Matilda E., SW¼ of SE¼ and SE¼ of SW¼ of Sec. 33, T. 2 N.,
 R. 44 E., B. M., containing 80 acres.
 Beam, Nellie M., SW¼ of SW¼ of Sec. 33, T. 2 N., R. 44 E., B. M., and
 NW¼ of NW¼ of Sec. 4, T. 1 N., R. 44 E., B. M.
 Beard, James T., N½ of NW¼ of Sec. 22, T. 7 N., R. 41 E.; S½ of SW¼
 of Sec. 14; E½ of SE¼ of Sec. 15, T. 7 N., R. 41 E., B. M., containing
 240 acres.
 Beasley, Joseph, S½ of SW¼ of Sec. 35, T. 5 N., R. 45 E.; Lot 1 of Sec.
 3, Lot 4 of Sec. 2, T. 4 N., R. 45 E., B. M.
 Beasley, S. J., SW¼ of Sec. 15, T. 1 N., R. 38 E., B. M., containing 160
 acres.
 Beckstead, W. W., beginning 50 rods S of NE corner of NE¼ of Sec. 15,
 T. 6 N., R. 40 E., B. M., thence S. 50 rods, thence W. 160 rods, thence
 N. 50 rods, thence E. 160 rods, to beginning, containing 50 acres.
 Beezley, Ebenezer, and J., NE¼ of Sec. 23, T. 4 N., R. 45 E., B. M., con-
 taining 160 acres.
 Beguin, J. W., E½ of NW¼ of Sec. 25, T. 1 N., R. 37 E., B. M., containing
 80 acres.
 Bell, Joseph, E½ of NW¼, SW¼ of NW¼, NE¼ of SW¼ Sec. 20, T. 8
 N., R. 42 E., B. M., containing 160 acres.
 Belnap, A. W., E½ of W¼ of Sec. 32, T. 7 N., R. 40 E., B. M., containing
 160 acres.
 Benton, C. E., SW¼ of Sec. 27, T. 1 N., R. 37 E., B. M., containing 160
 acres.
 Bernard, Alfred Joseph, NE¼ of NE¼ of Sec. 7; N½ of NW¼ of Sec. 8;
 SE¼ of SW¼ of Sec. 5, T. 1 N., R. 44 E., B. M.; E½ of SW¼ of Sec.
 36, T. 2 N., R. 44 E., B. M.; SE¼ of SE¼ of Sec. 6, SW¼ of SW¼
 Sec. 5, T. 1 N., R. 44 E., B. M., containing in all 320 acres.
 Bernston, Richard, E½ of SW¼ and SE¼ of NW¼ and Lot 3, Sec. 6, T. 6
 N., R. 45 E., B. M.
 Bettis, Alice, and Joseph, W½ of NE¼ of Sec. 14, T. ?? N., R. 45 E., B. M.,
 containing 80 acres.
 Bevan, Maria, N½ of NE¼ of Sec. 17, T. 5 N., R. 45 E., B. M., containing
 80 acres.
 Big Bend Land Company, lands of stockholders, the description of said
 lands and the names of said stockholders not being given in the
 pleadings of said company.
 Bigler, Jesse E., NE¼ of Sec. 13, T. 6 N., R. 40 E., B. M., containing 160
 acres.
 Birch, Mary H., Adminx. of Estate of Thomas Birch, deceased, lands under
 "Stewart Ditch." (NE¼ of SW¼ of Sec. 30, T. 7 N., R. 41 E., B. M.,
 containing 40 acres.)
 Bishop, J. B., S½ of NE¼, N½ of SE¼ Sec. 2, T. 12 N., R. 41 E., B. M.;
 S½ of SE¼ of Sec. 2, and NE¼ of Sec. 11, T. 12 N., R. 41 E., B. M.
 Bishop, Jennie, SW¼ of NW¼ and W½ of SW¼ of Sec. 1, and NW¼ of
 NW¼ of Sec. 12; SE¼ of NE¼ and NE¼ of E½ of SE¼ of Sec. 1

Minor Tributaries Alpin Weise (continued)
Listed in Downstream Or.

POOR ORIGINAL

Party or Canal

Date

Decreed
Amount in
Sec.-ft.

Accumulated
Total

UPPER RAINY CREEK
(above sinks)

00021	Richard A Beam (A. J. Bernard, TR 488, TR 860)	Apr. 9, 1889	1.6	1.6
0019	S. J. Weeks (A. J. Bernard TR 383, 383A)	Apr. 15, 1889	1.6	
0019	John Miller (A.J. Bernard)	Apr. 15, 1889	1.6	Hansen 4.8
0079	Mrs. Shurtliff (Wm Shurtliff)	June 1, 1889	0.0	
0079	Mrs. Shurtliff (J. A. Schneeibly)	June 1, 1889	2.4	10.2
0079	John Miller (A. J. Bernard)	June 20, 1889	0.8	
0000	S. J. Weeks (A. J. Bernard)	June 20, 1889	0.8	11.8
0000	S. J. Weeks (John McGibbon)			
0045	TR 439 Mopkins	Sept. 1, 1889	3.2	15.0
0038	Henry Goettsche (Chas&Mrs Englis TR 489) Hansen	June 1, 1890	1.94	16.94
0046	Richard A Beam (John McGibbon TR 419, 860)	Sept. 1, 1890	1.6	18.54
0011	Elizabeth Beam (H. L. Beam)	June 1, 1891	3	21.54
0080	Mrs. Shurtliff (Wm Shurtliff)	June 1, 1891	2.4	23.94
0002	Harlan Corbett	July 6, 1892	2.0	25.94
0012	Nellie M. Beam	June 1, 1893	1.6	27.54
0079	Mrs. Shurtliff (J. A. Schneeibly)	May 1, 1895	1.0	28.54
0014	Nellie M. Beam (Chas. Beam)	June 1, 1895	2.4	30.94
0024	Henry Goettsche (J. N. Corbett)	May 7, 1896	3.1	34.04
0047	Robert E. Miller (W. A. Meeds, TR 382)	May 15, 1896	1.55	
0047	S. J. Weeks (W. A. Meeds, TR 382)	May 15, 1896	1.55	37.14
0017	Nellie M. Beam (Matilda E. Beam)	Sept 19, 1897	1.6	38.74
0013	Nellie M. Beam (Frank Beam)	June 1, 1898	0.8	39.54
0004	J. L. Higham (J. T. Caldwell)	June 15, 1898	2.4	
0062	Mrs. Shurtliff (C. Caldwell)	June 15, 1898	2.4	44.34
0014	Henry Goettsche (V. W. Corbett)	Oct. 24, 1898	1.4	45.74
0028	Charles S. Dixon	July. 1, 1899	0.4	46.14
0028	Charles S. Dixon	June 1, 1900	0.6	46.74
0029	J. L. Higham (Supp)	Jan. 22, 1916	2.4	
0023	R. A. Beam	Jan. 22, 1916	7.2	
0023	Ivan Weeks T438	Jan. 22, 1916	3.2	
0023	T. M. Weeks	Jan. 22, 1916	4.0	
0023	J. B. Miller	Jan. 22, 1916	4.8	
0023	Shurtliff Bros.	Jan. 22, 1916	17.6	
0023	Elizabeth Beam	Jan. 22, 1916	3.0	
0023	D. H. & J. L. Peterson	Jan. 22, 1916	2.0	
0023	Henry Goettsche	Jan. 22, 1916	6.24	
0023	Arvie Weeks	Jan. 22, 1916	1.0	
0023	F. Stoltenberg	Jan. 22, 1916	2.4	100.58
0033	W. A. Louderbough (Lisc 12947)	May 7, 1917	0.5	101.08

23-H
Delivered US Crandall

POOR ORIGINAL

1.6 sec.ft., dated April 15, 1889

By Geo. H. Carter APR 11 1994
Assistant.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 283-A.

POOR ORIGINAL

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 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:

		0.8 sec. ft., dated April 9, 1889					
		NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
tp.	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 $\frac{1}{4}$ 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 $\frac{1}{4}$	Total	
N.	44 E. 5				40 40 40 40	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

By *L. H. Carter*
Assistant.

MICROFILMED

APR 11 1994

POOR ORIGINAL

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application
of Samuel J. Weeks for Transfer
of Water Right: Water Dist. #36;
Case No. 172, 172-A.

ORDER GRANTING TRANSFER

WHEREAS, On the 2nd day of July, 1926, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Samuel J. Weeks for transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, No one appeared at the hearing, either in person or by affidavit, to protest the said application, and the evidence submitted by the applicant with his application shows that a greater duty of water would result by reason of the transfer, and that no one would be injured thereby;

IT IS, THEREFORE, Hereby ordered that the said application for transfer be granted and that the certificate of transfer be issued the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 7th day of July, 1926.

W. G. SWENDSEN
Commissioner of Reclamation,

By

G. H. Carter
Assistant.

MICROFILMED

APR 11 1994

COPY

POOR ORIGINAL

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 488

THIS IS TO CERTIFY that Gustus Jacobson, 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 1.6 second feet of the waters of Rainey Creek, in Water District No. 38, were dedicated to the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 35, Twp. 2 N., R. 43 E., B.M.; 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 5 of Decrees, at page 450;

THAT, upon the application of Gustus Jacobson 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 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:

1.6 second feet, dated April 9, 1889
North half of North half (N $\frac{1}{2}$ N $\frac{1}{2}$), Sec. 4, Twp. 1 N., R. 44 E., B.M.

THAT the water to be transferred has heretofore been diverted at a point in the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, Twp. 2 N., R. 43 E., B.M. and carried through the Shurtlief and Bernard ditch, but will hereafter, by virtue of this certificate, be diverted at a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 2 N., R. 44 E., B.M. and carried through a private ditch called the Beam ditch.

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 10th day of June, 1930.

(SEAL)

GEO. N. CARTER

Commissioner of Reclamation.

MICROFILMED

APR 11 1994

POOR ORIGINAL

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of Gustus Jacobson for Transfer) ORDER GRANTING TRANSFER
of Water Right: Water Dist. 88)

WHEREAS, On the 5th day of June, 1930, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Gustus Jacobson for a transfer of water right came regularly on for hearing, pursuant to the published notices; and,

WHEREAS, No one appeared at the hearing, either in person or by affidavit, to protest the said application and the evidence filed with the said application shows that a greater duty of water would result by reason of the transfer, and that no one would be injured thereby;

IT IS, THEREFORE, Hereby ordered that the said application for transfer be, and the same is, hereby granted and that the certificate of transfer be issued the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Boise, this 10th day of June, 1930.

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation.

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APR 11 1994

COPY

POOR ORIGINAL

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Richard A. Beam
Swan Valley, Idaho

For a Transfer of Water Rights in Water
District No. 36, Bonneville County, Idaho.)

ORDER GRANTING TRANSFER
NO. 860.

WHEREAS, On the 21st day of July, 1955, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Richard A. Beam of Swan Valley, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

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

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

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 3rd day of October, 1955.

MARK R. KULP
State Reclamation Engineer

MICROFILMED

APR 11 1994

POOR ORIGINAL

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 860.

THIS IS TO CERTIFY THAT, Richard A. Beam of Swan Valley, Idaho, is the owner of and using a water right for 1.6 cubic feet per second of the waters of Rainey Creek with priority of April 9, 1889, and a water right for 1.6 cubic feet per second of the waters of Rainey Creek with priority of September 1, 1890, said water being decreed by 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 *Richard A. Beam vs. Rexburg Irrigation Company, et al.*

REXBURG IRRIGATION COMPANY, et al.,

Plaintiffs

vs.

TETON IRRIGATION CANAL COMPANY, et al.,

Defendants,

said decree bearing date of December 16, 1910 and being made appurtenant to the following described lands, to-wit:

E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 36, Township 2 North, Range 44 E., B.M.
NE $\frac{1}{4}$ Section 12, Township 1 North, Range 43 E., 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.

That by Certificates of Transfer Nos. 419 and 488 issued by the Commissioner of Reclamation of the State of Idaho, these rights were made appurtenant to the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 4, Township 1 North, Range 44 East, B.M.

That Richard A. Beam of Swan Valley, Idaho, has become the owner of said described lands through Means Conveyance.

That now, upon the application of Richard A. Beam of Swan Valley, Idaho, for the transfer of 3.2 cubic feet per second of the waters of Rainey Creek made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 3.2 cubic feet per second of the water of Rainey Creek upon the above described lands is hereby abandoned, and the land to which the water rights hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

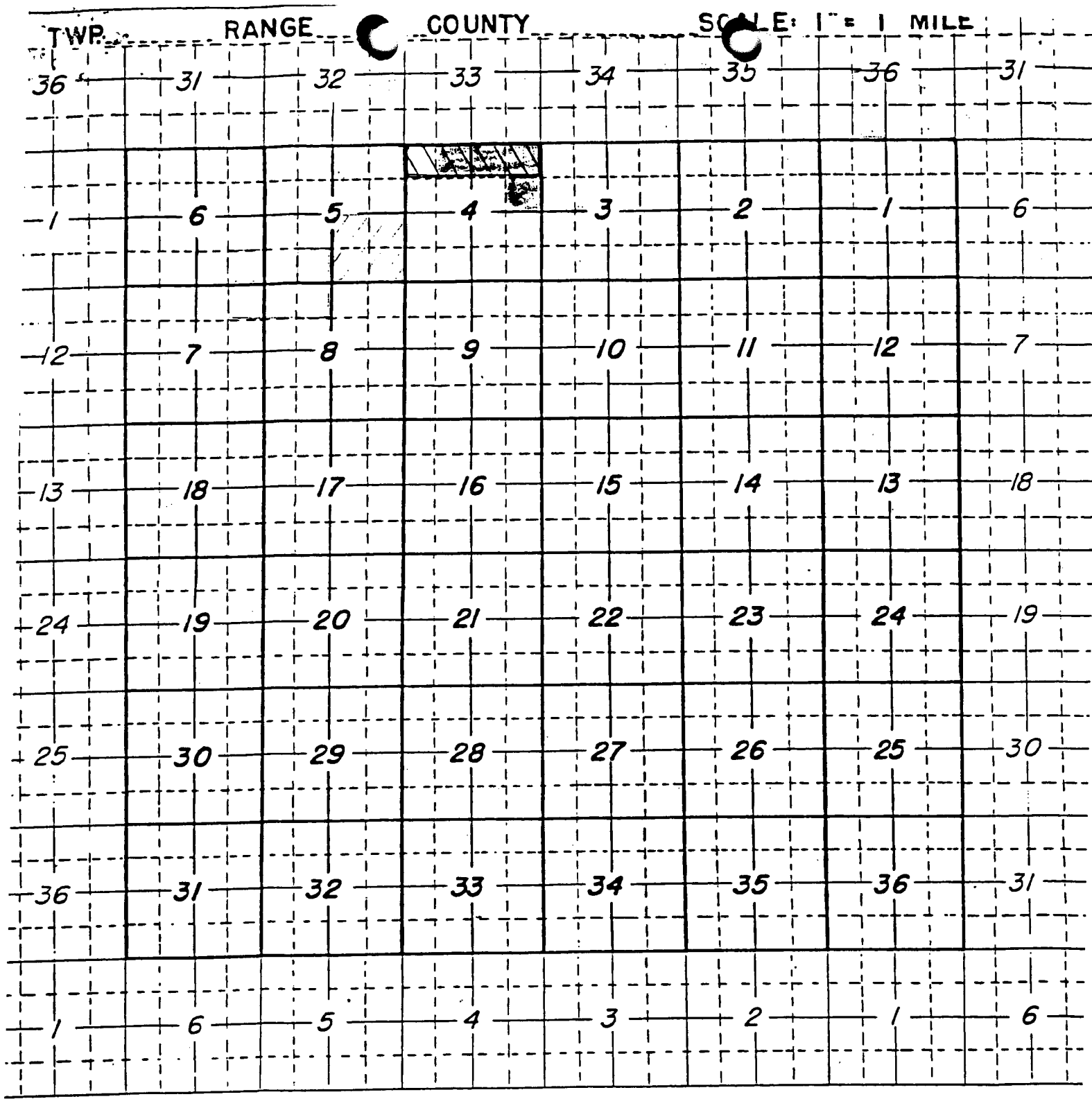
Lots 1, 2, 3 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4
Township 1 North, Range 44 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amounts, to-wit:

1.6 cubic feet per second with priority of April 9, 1889
1.6 cubic feet per second with priority of September 1, 1890

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= Rexburg Decree 1916 3.20 cfs 4-15-89; 1.60 cfs 6-20-89; 1.60 cfs 4-9-89.

= T383 and T383A → 1/2 or 1.60 cfs of 4-15-89; 1/2 or .80 cfs of 6-20-89

= T488 1.60 cfs of 4-9-89 from E 1/2 SE 1/4.

= T860 1.60 cfs 4-9-89 From N 1/2 N 1/2 sec. 04 to lots 1, 2, 3

MICROFILME

POOR ORIGINAL

APR 11 1994

JUNE 19, 1992

QUE S HANSEN
NEW CENTURY MANAGEMENT CO
28720 ROADSIDE DRIVE #399
AGOURA HILLS CA 91301

RE: CHANGE IN OWNERSHIP FOR A23-00019A, A23-00020,
A23-00093, AND A23-00047B

Dear Mr. Hansen:

The request for Change in Ownership concerning your Notices of Claim in the above reference has been processed and the Notices modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure

MICROFILMED

NOV 07 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
JUN 15 1992

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 01N Range 44E
Section 5, 1/4 of NE 1/4 of SW 1/4 Govt. Lot 1
Lot _____, Block _____, Subdivision/Townsite Santa Valley
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
RECEIVED
JUN 18 1992

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
[] Water Right Number(s) Assigned by IDWR: A23-00019A A23-00020 A23-00047B

[] Name and Address of Former Owner/Claimant(s)(Seller): ARCHIE & GENEVA MCKAY
1715 PARLEY

[] New Owner/Claimant (Purchaser): JOHN FAHS, JR 83401
One S. Hansen

[] New Mailing Address: New Century Management Co.
28720 Roadside Dr. #399
Agoura Hills, CA 91301

[] New Telephone Number: (818) 707-8635 extension 225

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: warranty deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s): One S. Hansen Date 6-8-92

[] Signature of Former Owner/Claimant(s): Archie McKay Date 5-26-92
Geneva McKay Date 5-26-92

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date _____ By: _____
Further Action Needed:

Further Action Taken
Date _____ By: _____

Final Review and Data-Entry
Date _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

NOV 07 1992

PROOF OF PUBLICATION

STATE OF IDAHO, }
County of Bonneville, } ss.

I, W. S. Snyder, being first duly sworn, upon my oath say: That I am the manager of THE REGISTER PRINTING & PUBLISHING COMPANY, a corporation of Idaho Falls, Bonneville County, Idaho, the publisher of THE TIMES-REGISTER, a semi-weekly newspaper published on Tuesdays and Fridays, at Idaho Falls, Idaho; said THE TIMES-REGISTER being a consolidation of THE IDAHO FALLS TIMES, established in the year 1890 and THE IDAHO REGISTER, established in the year 1860, such consolidation having been made on the 17th day of September, 1920, and each of said newspapers having been published continuously and uninterruptedly, prior to such consolidation, for more than seventy-eight (78) weeks and said THE TIMES-REGISTER having been published continuously and uninterruptedly from the date of such consolidation, up to, and including the last publication of the notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said THE TIMES-REGISTER once a week for two consecutive weeks, and that such publications were made on the following dates, to-wit:

Mar-9-16-1928

and that the said notice was published in the regular entire issue of said paper on the respective dates of publication, as aforesaid, and that such notice was published in the newspaper, and not in the supplement.

Subscribed in my presence and sworn to before me this _____ day of _____, 1928.

Clerk of the District Court, Ninth Judicial District, Idaho.
Residing at Idaho Falls, Idaho.

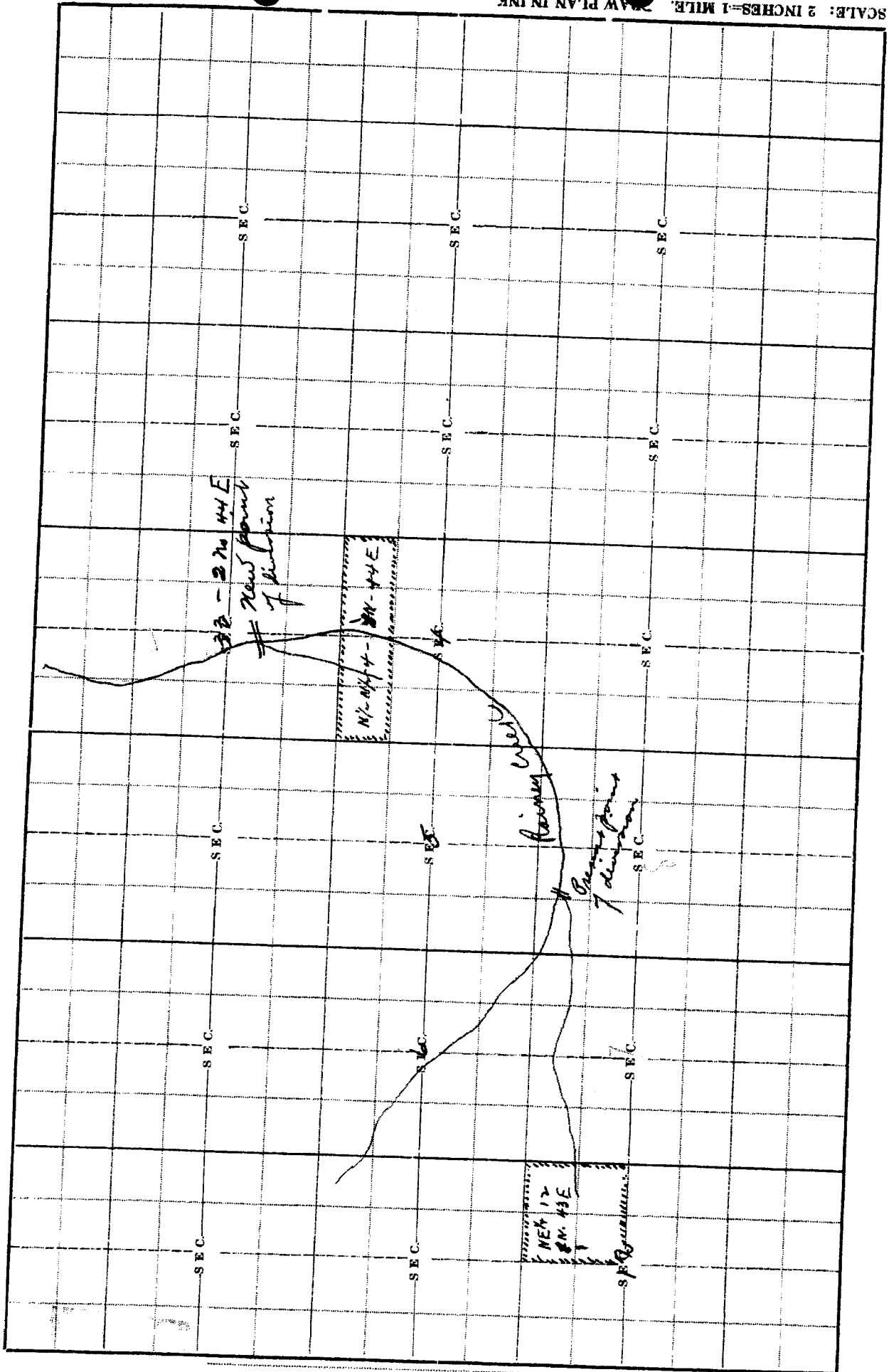
NOTICE OF PROPOSED TRANSFER OF WATER RIGHT—Notice is hereby given that Wallace Frew, of Swan Valley, Idaho, and applied to the commissioner of reclamation of the state of Idaho for a certificate authorizing them to transfer the use of 1.6 second feet of the water of Baldy creek, from the land upon which it is now used, to township 1 N., range 44 E., section 12, following described tract: north half of north half (N¹/₂ of N¹/₂) section 4, town 1 N., range 44 E., S. 1. 1928, at 10 o'clock a. m., at the Department of Reclamation, State House, Boise, before the commissioner of reclamation, or his authorized agent; the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer. GEO. N. CARTER, Commissioner of Reclamation, Pub. T.R. Mar. 9-18.

Attest by
Frank Beaman
3/16/28

EXHIBIT

D

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



NAME OF APPLICANT

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		23-0046

T
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N
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R

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, 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.

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.

See file 23-0021 for Appl, Letters, Etc.

COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Richard A. Beam
Svan Valley, Idaho

For a Transfer of Water Rights in Water
District No. 36, Bonneville County, Idaho.)

ORDER GRANTING TRANSFER
NO. 860.

WHEREAS, On the 21st day of July, 1955, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Richard A. Beam of Svan Valley, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

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

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

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 3rd day of October, 1955.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

23-0046

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 860.

THIS IS TO CERTIFY THAT, Richard A. Bean of Swan Valley, Idaho, is the owner of and using a water right for 1.6 cubic feet per second of the waters of Rainey Creek with priority of April 9, 1889, and a water right for 1.6 cubic feet per second of the waters of Rainey Creek with priority of September 1, 1890, said water being decreed by 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 being made appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ Section 36, Township 2 North, Range 44 E., B.M.
NE $\frac{1}{4}$ Section 12, Township 1 North, Range 43 E., 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.

That by Certificates of Transfer Nos. 419 and 488 issued by the Commissioner of Reclamation of the State of Idaho, these rights were made appurtenant to the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 4, Township 1 North, Range 44 East, B.M.

That Richard A. Bean of Swan Valley, Idaho, has become the owner of said described lands through Meeme Conveyance.

That now, upon the application of Richard A. Bean of Swan Valley, Idaho, for the transfer of 3.2 cubic feet per second of the waters of Rainey Creek made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 3.2 cubic feet per second of the water of Rainey Creek upon the above described lands is hereby abandoned, and the land to which the water rights hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

Lots 1, 2, 3 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4
Township 1 North, Range 44 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amounts, to-wit:

1.6 cubic feet per second with priority of April 9, 1889
1.6 cubic feet per second with priority of September 1, 1890

That the water rights hereby transferred have heretofore been conducted to the first above described lands from Rainey Creek through a private ditch with point of diversion in the NW 1/4 Section 33, Township 2 North, Range 44 East, B.M.

That the water rights hereby transferred will hereafter be conducted to the last above described lands from Rainey Creek through the same ditch and with no change in point of diversion.

That the right of use of said 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 3rd day of October, 1955.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

RECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application
of Frew Brothers for Transfer of
Water Right: Water District No. 86

ORDER GRANTING TRANSFER

WHEREAS, On the 17th day of March, 1928, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Frew Brothers for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, No one appeared at the hearing, either in person or by affidavit, to protest the said application, and the evidence filed by the applicant with the said application shows that a greater duty of water would result by reason of the transfer, and that no one would be injured thereby;

IT IS, THEREFORE, Hereby ordered that the said application for transfer be granted and that the certificate for such transfer be issued the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 19th day of March, 1928.

Commissioner of Reclamation.

RECORDED

RECORDED

#34

21 0071	180 inches.	June 1, 1892.	Black Spring Creek.
21 0075	180 inches.	June 1, 1894.	Black Spring Creek.
1 126	250 inches.	June 1, 1902.	Snake River.
McAllister, S.M.			(See N. R. Perry.)
McWain, T. V.			Trego Ditch Company.
McGlermont, John			(See Leuben H. Fove.)
McCorrick, Morris			
22 0388	156 inches.	June 15, 1897.	South Leigh Creek.
22 0389	160 inches.	June 15, 1897.	South Leigh Creek.
22 0390	105 inches.	June 1, 1885.	McMillan Slough.
22 0391	105 inches.	June 1, 1890.	McMillan Slough.
22 0392	105 inches.	June 1, 1895.	McMillan Slough.
22 0393	105 inches.	June 1, 1900.	McMillan Slough.
22 0394	180 inches.	June 1, 1885.	McMillan Slough.
22 0395	120 inches.	June 1, 1890.	McMillan Slough.
22 0396	120 inches.	June 1, 1895.	McMillan Slough.
22 0397	180 inches.	June 1, 1900.	McMillan Slough.
McGibson, John.			Swan Valley Irrigation Company, Limited.
23 0045	160 inches.	Sept. 1, 1889.	Rainey Creek. 437
23 0046	80 inches.	Sept. 1, 1890.	Rainey Creek. 417-860
22 0398 23-0074			
21 0076	160 inches.	June 1, 1898.	Palisade Creek.
21 0077	160 inches.	June 1, 1887.	Howard Creek.
21 0078	300 inches.	June 1, 1900.	Targee Creek.
22 0399	65 inches.	June 1, 1900.	Howard Creek and Targee Creek.
McNally, Gilbert	40 inches.	May 1, 1903.	Trail Creek.

MICROFILMED

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 4.5 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

[illegible]

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

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Continuation of Abstract Title
The Bonneville Abstract Company, Idaho Falls, Idaho

-2-

of the State of Idaho, affixed at Boise, Idaho, this 7th day of July, 1926.

Seal.

W. G. Swendsen, Commissioner of
Reclamation.

By Geo. N. Carter, Assistant

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Samuel J. Weeks for Transfer of Water
Right: Water Dist. #36;
Case No. 172, 172-A.

ORDER GRANTING TRANSFER.

WHEREAS, On the 2nd day of July, 1926, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Samuel J. Weeks for transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, No one appeared at the hearing, either in person or by affidavit to protest the said application, and the evidence submitted by the applicant with his application shows that a greater duty of water would result by reason of the transfer and that no one would be injured thereby;

IT IS THEREFORE, Hereby ordered that the said application for transfer be granted and that the certificate of transfer be issued the applicant herein.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 7th day of July, 1926.

W. G. Swendsen, Commissioner of
Reclamation.

Seal.

By Geo. N. Carter, Assistant.

Recorded July 19, 1926 at 9:02 A.M.
In Book # 4 of Miscellaneous, page 233,
Records of Bonneville County, Idaho.

Continuation of Abstract of Title
The Bonneville Abstract Company, Idaho Falls, Idaho

STATE OF IDAHO
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 the 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 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:

June 20 89
0.8 sec. ft., dated April 9, 1889.

		NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
Twp.	Rge.	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 $\frac{1}{4}$	Total	
1 N.	44E.	5				40 40 40 40	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

Continuation of Abstract of Title.
The Bonneville Abstract Company, Idaho Falls, Idaho

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July, 1926.

Seal.

W. G. Swendsen, Commissioner of
Reclamation
By Geo. N. Carter, Assistant.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Samuel J. Weeks for Transfer of Water
Right: Water Dist. #36;
Case No. 172, 172-A.

ORDER GRANTING TRANSFER.

WHEREAS, On the 2nd day of July, 1926, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Samuel J. Weeks for transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, No one appeared at the hearing, either in person or by affidavit to protest the said application, and the evidence submitted by the applicant with his application shows that a greater duty of water would result by reason of the transfer and that no one would be injured thereby;

IT IS THEREFORE, Hereby ordered that the said application for transfer be granted and that the certificate of transfer be issued the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 7th day of July, 1926.

Seal.

W. G. Swendsen, Commissioner of
Reclamation.
By Geo. N. Carter, Assistant.

Recorded July 19, 1926 at 9:00 A.M.
In Book #4 of Miscellaneous, page 232,
Records of Bonneville County, Idaho.

Minor Tributaries Alpine to Heise (continued)
Listed in Downstream Order

Party or Canal	Date	Decreed Amount in Sec.-ft.	Accumulated Total
<u>UPPER RAINEY CREEK</u> (above sinks)			
Richard A. Beam (A. J. Bernard, TR 488, TR 860)	Apr. 9, 1889	1.6	1.6
S. J. Weeks (A. J. Bernard TR 383, 383A)	Apr. 15, 1889	1.6	3.2
John Miller ^{Hansen} (A. J. Bernard)	Apr. 15, 1889	1.6	4.8
Mrs. Shurtliff (Wm Shurtliff)	June 1, 1889	3.0	
Mrs. Shurtliff (J. A. Schneeibly)	June 1, 1889	2.4	10.2
John Miller (A. J. Bernard) ^{Hansen}	June 20, 1889	0.8	
S. J. Weeks (A. J. Bernard)	June 20, 1889	0.8	11.8
S. J. Weeks (John McGibbon TR 439)	Sept. 1, 1889	3.2	15.0
Henry Goettsche (Chas & Mrs Englis TR 489)	June 1, 1890	1.94	16.94
Richard A. Beam (John McGibbon TR 419, 860)	Sept. 1, 1890	1.6	18.54
Elizabeth Beam (H. L. Beam)	June 1, 1891	3	21.54
Mrs. Shurtliff (Wm Shurtliff)	June 1, 1891	2.4	23.94
Harlan Corbett	July 6, 1892	2.0	25.94
Nellie M. Beam	June 1, 1893	1.6	27.54
Mrs. Shurtliff (J. A. Schneeibly)	May 1, 1895	1.0	28.54
Nellie M. Beam (Chas. Beam)	June 1, 1895	2.4	30.94
Henry Goettsche (J. N. Corbett)	May 7, 1896	3.1	34.04
Robert E. Miller (W. A. Meeds, TR 382)	May 15, 1896	(1.55)	
S. J. Weeks (W. A. Meeds, TR 382)	May 15, 1896	1.55	37.14
Nellie M. Beam (Matilda E. Beam)	Sept 19, 1897	1.6	38.74
Nellie M. Beam (Frank Beam)	June 1, 1898	0.8	39.54
J. L. Higham (J. T. Caldwell)	June 15, 1898	2.4	
Mrs. Shurtliff (C. Caldwell)	June 15, 1898	2.4	44.34
Henry Goettsche (V. W. Corbett)	Oct. 24, 1898	1.4	45.74
Charles S. Dixon	July 1, 1899	0.4	46.14
Charles S. Dixon	June 1, 1900	0.6	46.74
J. L. Higham (Supp)	Jan. 22, 1916	2.4	
R. A. Beam	Jan. 22, 1916	7.2	
Ivan Weeks	Jan. 22, 1916	3.2	
T. M. Weeks	Jan. 22, 1916	4.0	
J. B. Miller	Jan. 22, 1916	4.8	
Shurtliff Bros.	Jan. 22, 1916	17.6	
Elizabeth Beam	Jan. 22, 1916	3.0	
D. H. & J. L. Peterson	Jan. 22, 1916	2.0	
Henry Goettsche	Jan. 22, 1916	6.24	
Arvie Weeks	Jan. 22, 1916	1.0	
F. Stoltenberg	Jan. 22, 1916	2.4	100.58
W. A. Louderbough (Lisc 12947)	May 7, 1917	0.5	101.08

*Hansen via Miller
1.6 x .8 = 2.4 cfs
4/15/89 & 6/20/89*

*never used by
S. J. Weeks or Miller on
their lands*

*Should have been his
date for transfer
383-18
A23-00016*