

02/20/2004

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

RIGHT NUMBER: 23-21

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

CELESTE B BEAM
PO BOX 91
SWAN VALLEY ID 83449

SOURCE: RAINEY CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 1.600 CFS

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

PRIORITY DATE: 04/09/1889

POINT OF DIVERSION:

T02N R44E S33 SENESE Within BONNEVILLE County

T02N R44E S33 SENWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION Within BONNEVILLE County

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

133.3 ACRES TOTAL

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

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

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

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

EXPLANATORY MATERIAL: Decreed

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

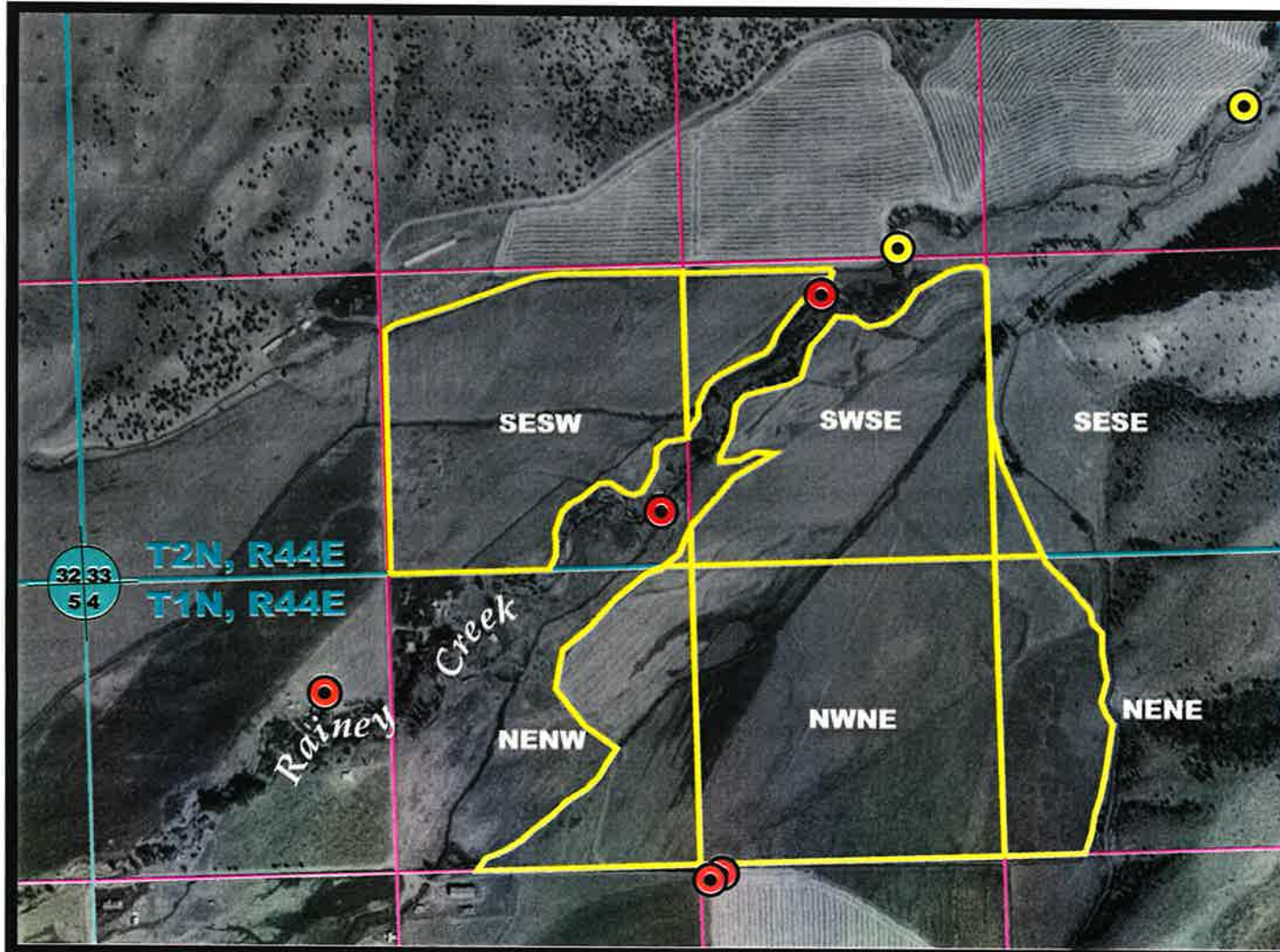


SCANNED
JUL 06 2004

State of Idaho

Department of Water Resources

Eastern Region



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

Water Right(s):

23-00014, 23-00017,
23-00021, 23-00046,
23-00090

Place of Use: (parts of)

T2N, R44E Sec. 33

SESW, S2SE

T1N, R44E Sec. 4

NENW, N2NE

Point(s) of Diversion:

T2N, R44E Sec. 33

SESW, SENESE



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2003

Contacts Data Entry Form

Water Right No. 29-17

Owner Type	Full Name	Address	City	State	Zip	Phone
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Current Owner FRANCIS BUEAN

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

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

DECREED UNDER ROUBURG PANG VS TEFON PANG, 1910
As # 60, to A. J. BERNARD, Apr 9, 1889, @ 80".

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

Reviewer: _____

Date: _____

SCANNED
JUN 06 2004

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 4/9/1889 Claimed Basis: DecreedRecommended Priority Date: 4/9/1889 Recommended Basis: Decreed☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

Claim matches Decreed

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

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

Source: _____ Tributary: _____

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

Source: _____ Tributary: _____

☐ Use Claimed POD and Source as Recommended POD and Source

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

Other rights from this POD? _____

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

POD NOT ADDRESSED BY DEEDSSAME POD - Roman
OTHER Rts

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

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

Total Acres 148⁰

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

POU NOT ADDRESSSED BY DUSERS
 Overlap w/ 29-14, 17, 21, 40 & 90.

COMBINED USE Remarks
 w/ Ac Limits

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

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

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Spring	4/1	11/1	1.6	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Spring	4/15	10/31	1.6	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SHOULD NOT ADDRESS BY DIVERGE
DECREASED AS 80" SO CLAIMED. COMBINED @ Remarks

Reviewer: _____

Date: _____

02/20/2004

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-21

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

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

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

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

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

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

DATE: Mar. 25, 2004 SIGNATURE: Celeste B Beam

Please print your name: Celeste B Beam

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

Log for claim 23-00021

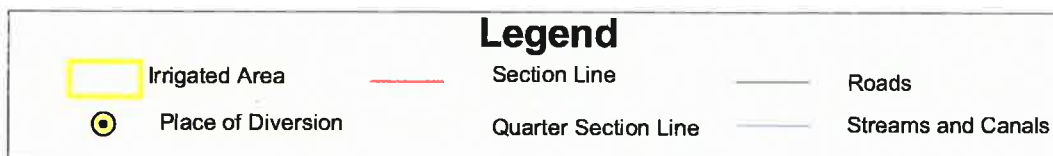
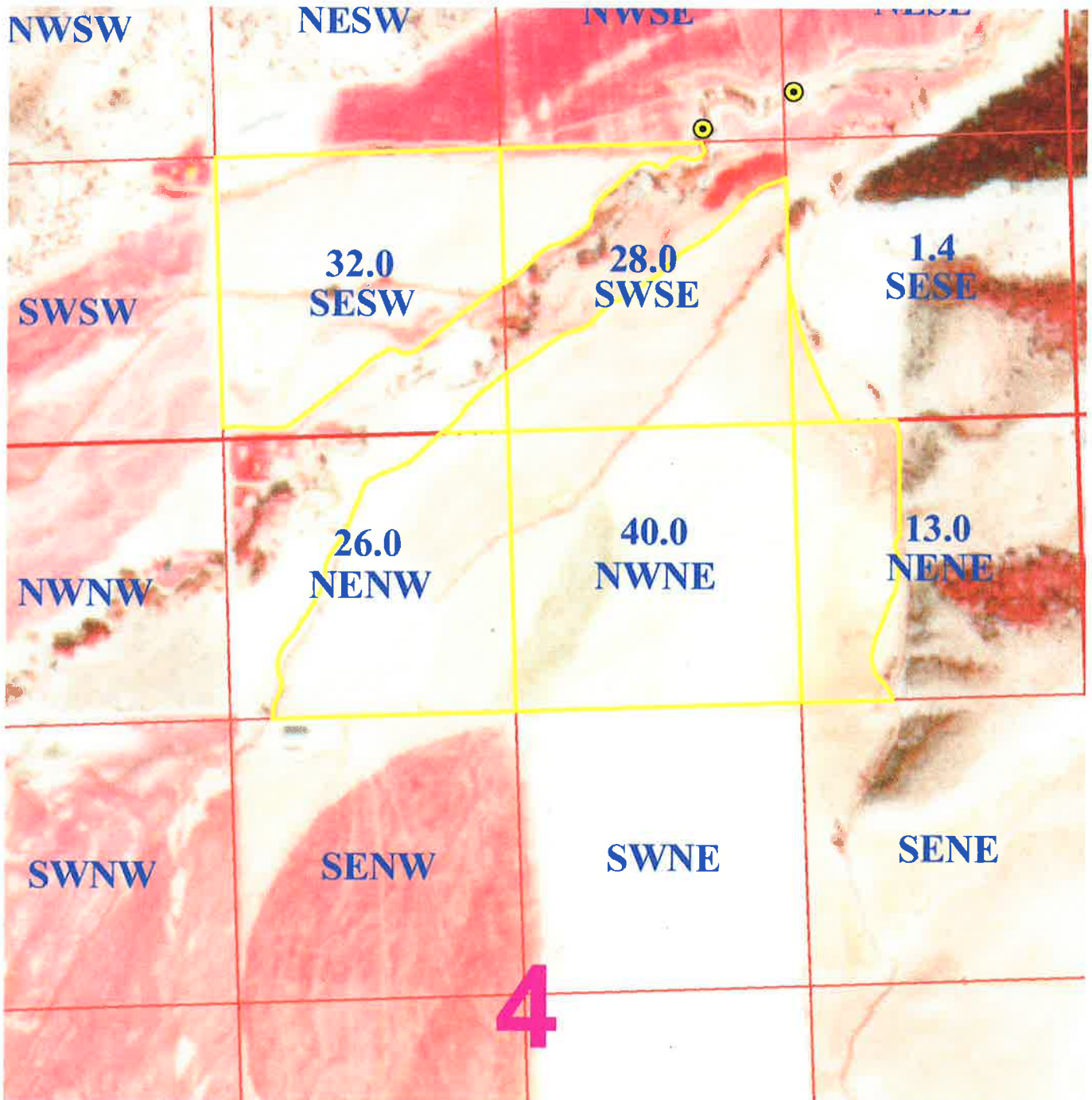
Spatial Dynamics CAT

2/12/01

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

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

02/12/2001



SPATIAL
DYNAMICS



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



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

Application For Transfer of Water Right

STATE OF IDAHO

County of Bonneville

} ss.

Richard A. Beam

being first duly sworn, deposes and says:

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

That he is the owner and using a certain water right, bearing date of priority of April 9, 1889 Sept. 1, 1919 for 1.6 (each) cubic feet per second of the waters of Rainey Creek Gustus Jacobson County of Bonneville, State of Idaho, decreed to Frew Brothers by decree of Judge, Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrg. Co., et al vs. Teton Irrigation Canal Co., et al. said decree bearing date of December 16, 1910 (or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____, 19____, bearing date of _____, 19____) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 36 in the County of Bonneville and State of Idaho, to-wit: NE 1/4 Sec. 4 Twp 1 N., R. 44 EBM, being transferred rights No. 488 and 419.

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. owner by purchase

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the NE 1/4 SW 1/4 of Section 33, Township 2N, Range 44 E, B. M., and conducted to the above described lands through private ditches as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.6 and 1.6 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Bonneville and State of Idaho, to-wit:

Lots 1, 2, 3 and SE 1/4 NE 1/4 Sec. 4, Twp 1 N., R. 44 EBM

That his reasons for desiring to make such transfer are as follows: That said waters have been used on lots 1, 2, 3 and SE 1/4 NE 1/4 Sec. 4, Twp 1 N., R. 44 EBM since transferred rights No. 419 and 488 were entered. That through error, said transferred rights showed the water transferred to Lot 4, rather than SE 1/4 NE 1/4 Sec. 4. This application is to correct prior certificates to show correct legal description of lands to which transferred.

23-00021

That he intends to divert and convey said 1.6 and 1.6 second feet of water to the tract of land last above described in the following manner, to-wit: existing ditches

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

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

Richard A. Beam
Applicant.

Subscribed and sworn to before me this 28th day of May
A. D. 1955...

Dorothy L. Linnell
Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Rainey Creek
Where is the diversion point located? NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp. 2 N, R. 44 EBM
Through what ditch is it now conducted? existing private ditch
How much land is now irrigated by the water sought to be transferred? 160 acres
Give the description: Lots 1, 2, 3 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Sec. 4, Twp 1 N,
R. 44 EBM
What is the total amount of water in inches, or second feet, dedicated to said land? 3.2 second ft
What kind of crops are being raised? hay, grain, pasture
How much water per acre is now required to irrigate said land? 1 inch per acre
What will be the effect on the land now irrigated, if the use of water on it is discontinued?
become worthless--(application will merely correct prior error in desc.)
Give location of new point of diversion, if change is to be made no change
Through what ditch will it be conducted after transfer? existing ditch
How much water will be required per acre to irrigate the land to which this water is transferred?
1 inch per acre } is currently irrigated by this water)
Do you claim any other water right for the land from which you seek to abandon the use of this water?
If so, give amount, date and source.
Is there now any other water right for the land to which you seek to make this transfer? If so, give
amount, date and source.

Signed Richard A. Beam
Applicant.

STATE OF IDAHO,

County of Bonneville

ss.

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

Arvey A. Weeks
Thomas M. Weeks

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

A. D. 1955

Dorothy G. Ginn
Notary Public

STATE OF IDAHO,

County of Bonneville

ss.

I, LYNN CRANDALL, Watermaster of Snake River
Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address is Swan Valley, Idaho, have read or heard read the foregoing affidavit and petition of Richard A. Beam, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons: That the water has at all times been used upon the land to which the request has been made for a transfer and that the prior transferred rights herein set forth by erroneous legal description showed the water to be transferred to Lot 4 when in reality it was transferred to the SE 1/4 of the NE 1/4 all in Section 4, Twp. 1 North, Rge. 44 East, B.M.
Watermaster Dist. No. 36

Dated at Idaho Falls, Idaho, this 3 day of July, 1955

Lynn Crandall

Name of Applicant.....

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

STATE OF IDAHO.

County of Bonneville } ss.

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

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

Frank S. Thomas
Dorothy Ginneth
Notary Public

23-00

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

This is to certify that Samuel J. Weeks, of Swan Valley, County of Bonneville, State of Idaho, has a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bonneville, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 3.2 second feet of the waters of Rainey Creek, in Water District No. 36, were decreed to Alfred Joseph Bernard for the irrigation of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 6; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7; S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 5, and the N $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 8, Township 1 North, Range 44 East of Boise Meridian, said right bearing date of priority of April 15, 1889; that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450; that, upon the application of Samuel J. Weeks for a transfer of Water Right made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.6 second feet of the waters of Rainey Creek is hereby abandoned upon the lands above described and the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

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

(SEAL) W. G. SWENDSEN
Commissioner of Reclamation

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

This is to certify that Samuel J. Weeks, of Swan Valley, County of Bonneville, State of Idaho, has a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bonneville, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 1.6 second feet of the waters of Rainey Creek, in Water District No. 36, were decreed to Alfred Joseph Bernard for the irrigation of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 6; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7, S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 5, and the N $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 8, Township 1 North, Range 44 East of Boise Meridian, said right bearing date of priority of April 9, 1889; that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450; that, upon the application of Samuel J. Weeks for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 0.8 second feet of the waters of Rainey Creek is hereby abandoned upon the lands above described and the lands to be irrigated under such rights and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

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

(SEAL)

By Geo. N. Carter
Assistant

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

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

THAT, upon the application of Therese Gottsche for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.94 second feet of the waters of Rainey Creek upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is given below, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

1.94 sec. ft., dated June 1, 1890

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

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

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

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

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation.

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 489

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

THAT, upon the application of Therese Gottsche for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.94 second feet of the waters of Rainey Creek upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is given below, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

1.94 sec. ft., dated June 1, 1890

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

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

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

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

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation.

\$ 50⁰⁰

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

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

CIVIL CASE NUMBER: 39576

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

RECEIVED

SEP 14 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

208-483-3183

83449

OR

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

208-483-3183

83449

2. Date of Priority: APR 09, 1889

3. Source: RAINEY CREEK

Trib. to: SNAKE RIVER, SOUTH !

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

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

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

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

9. Non-irrigation uses:
N/A

A23-00021

Page 1

Date: 08/09/89

MICROFILMED

NOV 07 1992

A2300021



10. Place of Use:

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

11. Place of use in counties: BONNEVILLE

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

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

14. Remarks:

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

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of Bonneville) SS.

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

Seal

Residing at Irwin, ID.

My Commission Expires 10-8-94

MICROFILMED
NOV 4 7 1992

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5

San Valley Cemetery

TIN

T2N

R44E

Ro

NOTION

A23-00021

33 34

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32 33

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