

T429 RENO



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 437

32-0065

This is to certify that Jennie C. Reno, of Idaho Falls, County of Bonneville, State of Idaho, has a right to the use of the waters of Birch Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the district court of the Fifth Judicial District of the State of Idaho, in and for Fremont County, in the case of J. R. Richards, plaintiff, vs. Frank Reno, et al., defendants, wherein 3.2 second feet of the waters of Birch Creek, in Water District No. 39, were dedicated to the $\frac{1}{2}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 21, Township 7 N., Range 31 East, Boise Meridian, said right bearing date of priority of May 10, 1884; that said decree has been entered on the records of the Department of Reclamation of the State of Idaho in Book 1 of Decrees, at page 458; also a later decree recorded in Book 3 of Decrees, at page 994;

That, upon the application of the said Jennie C. Reno 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 3.2 second feet of the waters of Birch 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 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:

3.2 sec. ft., dated May 10, 1884

Fractional $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 6, Twp. 8 N., R. 33 E., B. M.,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 8 N., R. 32 E., B. M.,
containing 160 acres.

That the water right to be transferred has heretofore been diverted at a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Twp. 7 N., R. 31 E., B. M., but will hereafter, by virtue of this certificate, be diverted at a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Twp. 8 N., R. 30 E., B. M., and carried through a private ditch.

That the right to the use of waters aforesaid and 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 5th day of June, 1928.

Commissioner of Reclamation

AFFIDAVIT OF PUBLICATION

I, C. A. Bottolfsen, publisher of The Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated May 18, 1928 and ending with the issue dated May 25, 1928

C. A. Bottolfsen

Subscribed and sworn to before me this 26th day of May 1928

[Signature]

Notary Public.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Jennie C. Reno of Idaho Falls, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 3.2 second feet of the water of Birch Creek, from the land upon which it is now used, i. e., W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 21, Twp. 7 N., R. 31 E. B. M., to the following described tract: Fractional W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, Twp. 8 N., R. 33 E., B. M., and N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 8 N., R. 32 E., B. M., containing 160 acres.

And that, on the 29th day of May, A. D. 1928, at 10 o'clock, a. m., at the Dept. 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
(M 18-25-26).

Form 20

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DEPARTMENT OF RECLAMATION

County of Bonneville

39.

being first duly sworn, deposes and says:

Idaho Falls, Idaho.

That his reasons for desiring to make such transfer are as follows: That the lands on which the water has been used are situated on the extreme lower end of Birch Creek, with no water users in between new point of diversion, and loss by seepage is very heavy, and the amount is insufficient to properly irrigate the land; the land is also very gravelly and crops cannot be profitably grown there with only this amount of water. These losses are overcome by diverting to the new place of use.

That he intends to divert and convey said 3.2 second feet of water to the tract of land last above described in the following manner, to-wit: by means of a diversion dam and head gate and ditch. The point of intake will be on Birch Creek in the SE¹SE¹ Sec. 3, Twp. 8 No. Ra. 30 E.B.M.

Note. Between old point of diversion and new point of diversion there are no diversion works of any kind, and the new diversion point will be the last diversion point on the Creek, there being no water users below said new point. as set forth upon the map herewith; and that no one will be injured by such transfer.

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

Jessie C. Rens

Applicant

Subscribed and sworn to before me this 17th day of April

A. D. 1928..'

O. A. Johnson
Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Birch Creek

Where is the diversion point located? SW¹SW¹ Sec. 9, Twp. 7 No. Ra. 31 E.B.M.

Through what ditch is it now conducted? private ditch, owned by applicant.

How much land is now irrigated by the water sought to be transferred? 160 acres, but only very poorly, as the supply is inadequate to fully irrigate same.
Give the description:

W¹SE¹ and E¹SW¹ Sec. 21, Twp. 7 No. Ra. 31 E.B.M.

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? principally hay.

How much water per acre is now required to irrigate said land? 3 inches per acre.

What will be the effect on the land now irrigated, if the use of water on it is discontinued? will be good only for pasture.

Give location of new point of diversion, if change is to be made. SE¹SE¹ Sec. 3, Twp. 8 No. Ra. 30 E.B.M.

Through what ditch will it be conducted after transfer? private ditch owned by applicant and neighbors.

How much water will be required per acre to irrigate the land to which this water is transferred? 1 inch per acre, by using the early Spring Flood water to augment.

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. A flood water right, which does not last beyond the month of May each year.

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. Only a flood water right, lasting not beyond the month of May each year.

Priority: Apr. 1, 1904.

Signed

Jessie C. Rens

Applicant

STATE OF IDAHO,

County of Blaine } ss.

Paul A. King and Ants Bone

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 Reno that he is a user of water from Birch Creek, in Water District No. 39 County of Jefferson, Clark, Butte, Blaine, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Jennie C. Reno 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.

Paul A. King
Ants Bone

Subscribed and sworn to before me this 3rd day of May,
A. D. 1928.

W. H. Johnson
Notary Public

STATE OF IDAHO,

County of Clark } ss.

I, John O'Brien, Watermaster of Birch Creek in Water District No. 39, County of Clark, Jefferson, Lemhi, and Butte, State of Idaho, whose postoffice address is Reno, Idaho, have read or heard read the foregoing affidavit and petition of Jennie C. Reno 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: None.

Watermaster Dist. No. 39

John O'Brien

Dated at Reno, Idaho, this 3rd day of May, 1928

Name of Applicant.....

Sup 8 No R 32 E

Sup 8 No R 33 E

Sup 8 No R 30 E

SEC.

SEC.

SEC.

SEC.

SEC.

new point of intersection

ditch

ditch

land to which water is drawn from

SEC.

Sup 7 No R 31 E

SEC.

SEC.

SEC.

SEC.

SEC.

Point of intersection of water

SEC.

Point land on which water is used.

SEC.

SEC.

SEC.

SEC.

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