

T0055 RENO

T 55

See Right no 32-0065

Supervised by
1922 decree
Reno vs Richards

32-0065

S T A T E O F I D A H O

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 55, AUTHORIZING TRANSFER OF USE OF WATER RIGHT.

Permission is hereby granted FRANK RENO, of Reno, County of Fremont, State of Idaho, to transfer the use of Three Hundred and twenty (320) inches of the waters of BIRCH CREEK, Fremont County, Idaho, from the land upon which it is now used, i.e., South half of South half (S2 S2) Section Thirty-one (31), Township Eight (8) North, Range Thirty-one (31) East of Boise Meridian, and North half of North half (N2 N2) Section Six (6), Township Seven (7) North, Range Thirty-one (31) East of Boise Meridian, to the following described tract, to-wit: South half of South half (S2 S2) Section Ten (10) and North half of North half (N2 N2) Section Fifteen (15), Township Eight (8) North, Range Thirty-two (32) East of Boise Meridian.

The water right appurtenant to the above described lands was adjudged by decree dated October 12, 1894, of D. W. Standrod, Judge of the Fifth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of J. R. Richards, plaintiff, vs., Frank Reno, et al, defendants. in the following words:

"Now, therefore, it is ordered, adjudged and decreed,

That the defendant, Frank Reno, do have at all times

the flow of 160 inches of water, measured under a four inch pressure of the waters of Birch Creek,

to date from May 10, 1883: and that he also have an

additional 160 inches of water.....of the waters of

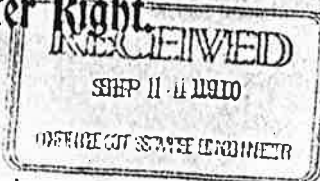
Birch Creek.....to date from May 10, 1886.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twenty-first day of October, A. D. 1910.

D. G. Martin

State Engineer.

Application for Transfer of Water Right



State of Idaho,
County of Bingham } ss.

Frank Reno, being first duly sworn, deposes and says:

That his name is Frank Reno; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Reno, Fremont County, Idaho

That he is the owner and using a certain water right of 370 inches of the waters of Birch Creek

County of Fremont, State of Idaho, decreed to Frank Reno by decree of Judge DW Staudenrod, of the

Fifth Judicial District of the State of Idaho, in and for the County of Fremont

in the case of J.R. Richards

vs. Frank Reno et al, said decree bearing date of October 12

1894, (or obtained by virtue of license No. _____, issued by the State Engineer of the State of Idaho, dated _____)

for the purpose of irrigating the following described lands situate, lying and being in the County of Fremont and

State of Idaho, to wit: The S² of S² of Sec 31, Twp 8 N 31 E
the N² of N² of Sec 6, T. 7 N R 31 E B NW.

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

By decree as above set forth
as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters ^{were} ~~are now~~ diverted from said stream at the NW corner
of tract of land from each side of Birch Creek
and conducted to the above described lands through ditches from each side of said stream
as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of all
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 Fremont and State of Idaho, to wit: S² of S² of 10 and N² of N² of 15 Twp 8 N
37 E B. M.

That his reasons for desiring to make such transfer are as follows: That the use of said water upon the first named tract was abandoned about the year 1900, and has since that time been continuously used upon the last named tract of land and affiant desires to have such transfer recorded,

That he intends to divert and convey said 370 inches of water to the tract of land last above described in the following manner, to wit:

By means of a ditch already constructed, about
eighth miles long and of sufficient capacity
to carry said water, point of diversion as present
as located in 1900, being in Sec 3 - Twp
& N. 30 E Bm

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of this Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Subscribed and sworn to before me this

28th

day of

July

A. D. 1902

Geo. F. Pagon

Notary Public

State of Idaho,

County of

Tremont

} ss.

W. J. Hagenbarth and

H. S. Wood

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 Shenandoah that he is a user of water from Birch Creek, County of Tremont, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Frank 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.

W. J. Hagenbarth

H. S. Wood

Subscribed and sworn to before me this

30th

day of

July

A. D. 1902

Frank Reno

Justice Peace

State of Idaho,

County of Tremont } ss.

I, Rich H. Webster, Watermaster of Rich Creek
County of Tremont, State of Idaho, whose postoffice address is Reno
Idaho, have read or heard read the foregoing affidavit and petition of
Frank 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 au-
thorized; and I hereby endorse my approval of said petition, and request that the State Engineer
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:~~

Rich H. Webster
Watermaster.

Idaho Falls Idaho
P. O. 5.

Notice having been duly published for thirty days of the intention of the above named Frank
Reno to apply to the State Engineer of the State of Idaho for a certificate
authorizing the transfer of water as set forth in his affidavit and petition herein, and an opportunity
having been given to any and all persons opposing said transfer to present their objections in a public
hearing before me at Idaho Falls Idaho, on Sep. 10, 1910, according to
the terms of said notice;

And it not appearing at said hearing that any one would be materially injured by such transfer;

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said
applicant, authorizing the transfer as prayed for in his petition; ~~or (and it appearing at said hearing~~
~~that the following injuries would be sustained by others if such transfer is permitted)~~

~~I hereby recommend that the State Engineer do not issue the certificate authorizing the transfer~~
~~sought hereinabove.~~

Rich H. Webster
Commissioner of Water Division No. 1
By _____

Affidavit of Publication

RECEIVED

SEP 14 1910

OFFICE OF STATE ENGINEER

STATE OF IDAHO,
COUNTY OF FREMONT,

I, J. W. Jones, do solemnly swear that I am the publisher of the RIGBY STAR, a weekly newspaper of general circulation, published once each week at Rigby, Fremont County, Idaho; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper four consecutive weeks; first publication having been made on the 15th day of August 1910; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and that the notice was published in the newspaper and not in a supplement.

Notice of Proposed Transfer of Water Right

Notice is hereby given that Frank Reno of Reno, Idaho, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the line of 320 inches of water of Birch Creek, Fremont county, Idaho, from the land upon which it was formerly used to wit:

S $\frac{1}{4}$ of S $\frac{1}{4}$ of Sec. 31 T 8 N. 31 E. B. M. and N $\frac{1}{4}$ of N $\frac{1}{2}$ of Sec. 6 T. 7 N 31 E. B. M. to the following described tract:

S $\frac{1}{4}$ of S $\frac{1}{4}$ of Sec. 10. and N $\frac{1}{4}$ of N $\frac{1}{2}$ of Sec. 15 T. 8 N. 32 E. B. M.

And that, on the 10th day of September, A. D. 1910 at Dubois Hotel, Dubois Idaho at 1 o'clock p. m. before J. O. Webster, Water Commissioner of this division, 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.

Full details of the proposed transfer may be obtained from George Webster, Watermaster of said stream.

Aug 18 Sept 8

J. W. Jones

Subscribed and sworn to before me this 9th day

of Sept A. D., 1910

Notary Public
My Com. Expires
March 7th 1914.