

T0056 RENO

See Right No. 32-0059

7.
Superseded by
Reno vs Richards
decreed dated 9-6-1922

32-0059

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

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

CERTIFICATE NO. 56, AUTHORIZING TRANSFER OF USE OF WATER RIGHT.

Permission is hereby granted AGNES B. RENO, of Reno, Fremont County, 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 lands upon which it is now used, i.e., the unsurveyed Desert Entry of W. A. Tyler, situated in Sections Ten (10) and Eleven (11), Township Eight (8) North, Range Thirty-one (30) East of Boise Meridian, to the following described tract, to-wit: North half (N2) of Section Thirteen (13), Township Eight (8) North, Range Thirty-one (31) East of Boise Meridian.

The water right appurtenant to the above described lands was adjudged by decree, dated October 12, 1894, of D. W. Stendred, Judge 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.

In the following words:

"Wherefore it is ordered, adjudged and decreed :
That the defendant, W. A. Tyler, do have at all
times the flow of 320 inches of water measured
under a four inch pressure of the waters of
Birch creek.....to date from May 19, 1884."

The above water right was conveyed by deed to Agnes B. Reno.

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.

AL.)

Application for Transfer of Water Right.

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SEP 14 1910

OFFICE OF STATE ENGINEER

State of Idaho,
County of TremontAgnes B. Reno

being first duly sworn, deposes and says:

That her name is Agnes B. Reno; that she is of lawful age, a citizen of the United States and of the State of Idaho, and that her postoffice address is Reno, Tinnonh County, IdahoThat she is the owner and using a certain water right of 320 minis inches of the waters of Birch Creek,County of Tinnonh State of Idaho, decreed to W. A. Tylerby decree of Judge D. W. Shaudrod, of theFifth Judicial District of the State of Idaho, in and for the County ofTinnonh in the case of J. R. Richardsvs. Frank Reno, et al said decree bearing date of October 17th 1894 and conveyed by deed to this applicant on the 3rd day of February 1900for the purpose of irrigating the following described lands situate, lying and being in the County of Tinnonh and State of Idaho, to wit:This unsurveyed Bench Entry of said W. A. Tyler, situated in sections 10 & 11, T. 8 N. 30. E. B. M.

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 deed from said W. A. Tyler

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 at Section 3 Twp 8 N. R. 30 E. B. M.and conducted to the above described lands through a ditch

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 Tinnonh and State of Idaho, to wit:1/2 of Sec 13, T. 8 N. R. 31 E.

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 applicant desires such transfer recorded.

That she 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, from the same point of diversion as shown by map, about eight miles long, and of sufficient capacity to carry said water.

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 12th day of August

A. D. 1910.

Frank Reno
Justice Peace

State of Idaho, } ss.
County of Teton
H. Hagenbarth and H. O. 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 Reno, Idaho, that he is a user of water from Berch Creek, County of Teton, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Agnes R. 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.

Subscribed and sworn to before me this 30th day of July

A. D. 1910.

H. Hagenbarth
H. O. Wood
Frank Reno
Justice Peace

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 18th 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 Agnes B. Reno of Reno, Idaho, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of 320 inches of water off Birch Creek, Fremont county, Idaho, from the land upon which it was formerly used, to-wit: The unsurveyed Desert Entry of one W. A. Tylec, situated in sections 10 and 11, twp. 8 N. R. 30 E. B. M. to the following described tract:

N $\frac{1}{4}$ of section 13, twp. 8 N. E. 31 E. B. M. This such transfer was made in the year 1900, and this application is made for the purpose of having said transfer recorded.

And that, on the 10th day of September, A. D. 1910, at Dubois Hotel, Dubois Idaho, 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 18

Subscribed and sworn to before me this 14th day

of Sept A. D. 1910

[Signature]

[Signature]

[Signature] - 1910