

No Color
Documents
In File

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In The Matter of the Application of
Mound Valley Water Works Association,
Inc., through Dale Bennett, President,
of Thatcher, Idaho;

For a Change of Point of Diversion,
Franklin County, Idaho

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

NO. 258

WHEREAS, On the 20th day of September, 1963, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Mound Valley Water Works Association, Inc., through Dale Bennett, President, for a change of point of diversion on Bridge Creek or Williams Creek, 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 Change of Point of Diversion be issued to the applicant herein.

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 1st day of October, 1963.

CARL E. TAPPAN
State Reclamation Engineer
By

(SEAL)

s/

RALPH W. THOMAS

RALPH W. THOMAS, Deputy
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION
OF DECREED WATER RIGHT NO. 258

THIS IS TO CERTIFY, That the Mound Valley Water Works Association, Inc., through Dale Bennett, President, is the owner of and using a certain water right for 0.133 cubic feet per second of the waters of Bridge Creek or Williams Creek as follows: .066 cubic feet per second with priority of April 1, 1885; .017 cubic feet per second with priority of April 1, 1883; and .05 cubic feet per second with priority of April 1, 1871; said water being decreed to A. B. Gray, et al, by decree of Judge F. S. Dietrich of the District Court of the United States for the District of Idaho, Eastern Division, in Equity No. 203, in and for the County of Franklin, in the case of

UTAH POWER AND LIGHT COMPANY

Plaintiff

vs.

LAST CHANCE CANAL COMPANY, et al

Defendants

said decree bearing date of July 14, 1920, and being appurtenant to the following described lands; to-wit:

In fractions of Section 24,
Township 12 S., Range 40 E.B.M.,
Sections 7, 18, 19, 29, and 30,
Township 12 So., Range 41 E.B.M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, Idaho, in Volume No. 4 of Decrees, beginning at Page 502 thereof;

And that now, upon the application of Mound Valley Water Works Association, Inc., through Dale Bennett, President, made before the State Reclamation Engineer of the State of Idaho, for a Certificate of Change of Point of Diversion and the said application having been granted, the right to change the point of diversion of 0.133 cubic feet per second of the waters of Bridge Creek or Williams Creek is HEREBY GRANTED;

That said change of point of diversion shall not modify in effect said decreed water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

11-2763	-	.066 cubic feet per second with priority of April 1, 1885;
11-0759	-	.017 cubic feet per second with priority of April 1, 1883;
11-0793	-	.05 cubic feet per second with priority of April 1, 1871,
		of the waters of Bridge Creek or Williams Creek;

That the water right hereby transferred has heretofore been conducted from Bridge Creek or Williams Creek through various ditches with point of diversion in various points along the stream;

That the water right hereby transferred will hereafter be conducted through a pipeline with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 12 South, Range 41 E. B. M., WITH NO CHANGE IN PLACE OF USE.

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 1st day of October, 1963.

(SEAL)

s/

CARL E. TAPPAN
State Reclamation Engineer
By

RALPH W. THOMAS

RALPH W. THOMAS, Deputy
State Reclamation Engineer

AFFIDAVIT OF PUBLICATION

RECORDED
SEP 1 1963
JUL 1 1963

STATE OF IDAHO,

ss.

County of Franklin

WAYNE D. BELL

being duly sworn,

deposes and says:

That he is the CO - PUBLISHER of

THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for

consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

SEPTEMBER 12

, 19 63, and ending

with the issue of

SEPTEMBER 19

19 63

Fees, \$

10.12

Subscribed and sworn to before me this

26th

day

of

September

19 63

Notary Public, Residing at Preston, Idaho

My Commission Expires

May 12

, 19 64

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Mound Valley Water Works Assn., Inc. of Thatcher, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing it to change the point of diversion of the waters of Bridge Creek or Williams Creek as follows: Amount: 0.133 cubic feet per second. Priority: 0.06 cfs of 4-1-1871, and 0.07 cfs of 4-1-1883; Point of diversion: various points along stream. Place of Use: Sections 7, 19, 20, 24, 29 and 30, Township 12 S., Range 41 E.B.M., for domestic and irrigation use.

To Be Transferred To

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 12 S., Range 41 E. B. M. Place of Use: same place for domestic use.

And that on the 20th day of September, 1963, at 10:00 o'clock A.M., at Room 107, Statehouse, Boise, Idaho, before the State Reclamation Engineer, 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.

CARL E. TAPPAN

State Reclamation Engineer
No. 581-Sept. 12, 1963-Sept. 19, 1963.

AUG 27 1963

JUL 2 1962

Department of Reclamation

Application For Transfer of Water Right

STATE OF IDAHO

County of

Franklin

SS.

Dale Bennett, Pres. Mound Valley Water Works Association, Inc., being first duly sworn, deposes and says:

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

That he is ^{one of} the owner and using a certain water right, bearing date of priority of April 1, 1893 for over 3 cubic feet per second of the waters of Bridge Creek or Williams Creek

County of Franklin, State of Idaho, decreed to Applicant and signers of attached statement by decree of Judge F. S. Dietrich of the _____ Judicial District of the State of

Idaho, in and for the county of _____, in the case of Utah Power & Light Co

vs. The Last Chance Canal Co, said decree bearing date of July 14, 1920

(or obtained by virtue of License No. _____, issued by the State Department of Reclamation 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. _____ in the County of Franklin and State of Idaho, to-wit:

Irrigation water is not being transferred. Only 0.133 cfs
per year is being diverted for Culinary use from
Decree Holders to some Decree Holders.

_____ 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. _____

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 various points along the stream of Section _____, Township _____, Range _____, B. M., and conducted to the above described lands through various ditches

as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of _____ 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 _____ and State of Idaho, to-wit:

That reasons for desiring to make such transfer are as follows:

NOT FILED

Subd. of 4-1-85
05 4-1-71
017 4-1-83

Decree file 5-1
Val + 02

That he intends to divert and convey said.....second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in ^{NW 1/4} NE 1/4 of NW 1/4 of Section 29, Township 12 S., Range 41 EBM, and thereafter conduct same to the above described land through the Pipe line ditch, as per map appended.

That his reasons for desiring to make such change are as follows:

The Mound Valley Water Works, consisting of members holding the decreed water in Bridges or Williams Creek desire to give to the Mound Valley Water Works ^{0.133 cfs} ~~one~~ per year for Culinary Purposes. Point of diversion of original decreed vary- and are not specifically listed. This Culinary diversion is close to one of the ditch diversion points.
Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

• WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code,

Dale Bennett
Pres. Mound Vally Water Works Assn. Applicant.

Subscribed and sworn to before me this 14th day of June, 1963.

Red B. Larsen
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?.....

Where is the diversion point located?.....

Through what ditch is it now conducted?.....

How much land is now irrigated by the water sought to be transferred?.....

Give the description:.....

What is the total amount of water in inches, or second feet, dedicated to said land?.....

What kind of crops are being raised?.....

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

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

Give location of new point of diversion, if change is to be made.....

Through what ditch will it be conducted after transfer?.....

How much water will be required per acre to irrigate the land to which this water is transferred?.....

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 any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.....

Signed Dale Bennett Applicant.
Pres. Mound Valley Water Works, Reno

STATE OF IDAHO, }
County of _____ } ss.

I, _____, Watermaster of _____
Water District No. _____, County of _____, State of Idaho, whose postoffice address
is _____, have read or heard read the foregoing affidavit and petition
of _____, 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 State Reclamation 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:.....

Watermaster, District No. _____

Dated at _____, Idaho, this _____ day of _____, 19_____.

Name of Applicant.....

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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

WARRANTY DEED AUG 27, 1943

THIS INSTRUMENT, made this 10th day of July, 1943, between Dale Bennett and his wife Farrel R. Bennett; Lloyd L. Bennett and his wife Geraldine S. Bennett; Lorin Panter and his wife Lola M. Panter; Norman B. Smith and his wife Patricia M. Smith; Elbert Williams and his wife Gladys E. Williams; Grant L. Gray and his wife Zella L. Gray; Dean Panter and his wife Marjorie E. Panter; Wilford Panter and his wife Vinnie Panter

of Cleveland, County of Franklin, State of Idaho, the parties of the first part, and MOUND VALLEY WATER WORKS ASSOCIATION, Inc. of Cleveland, County of Franklin, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of \$10.00 lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and its heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

A culinary water right in the Bridge Creek or Williams Creek in the amount of 0.1730 cubic feet per second, amounting to 0.036525 cubic feet per second out of each individual decree listed below. Said water to be diverted from the said creek in the NW 1/4 of section 29, Township 12 South, Range 11 East of the Boise Meridian. Said water to be diverted through established nine line for culinary use.

Water being sold is from the Bridge Creek or Williams Creek Decree as shown in Final Decree of Utah Power and Light Company vs the East Chance Canal Company, filed July 14, 1920, and recorded in Book 1 of Judgments, page 325, records of Franklin County, Idaho, and the parties of the first part are the owners of the following listed decrees:

<u>Present Owner:</u>	<u>Original Owner:</u>	
Dale Bennett	#108 Joseph R. Ames	1.0 cfs
	Priority 1886 - April 1	
Lloyd Bennett	#111 E.A. Bennett	1.2 cfs
	Priority 1885 - April 1	
Dean Panter	#121 Thomas J. Panter	1.3 cfs
	Priority 1886 - April 1	
Wilford Panter	#130 Charles Panter	2.0 cfs
	Priority 1871 - April 1	
Lorin Panter	#115 John T. Williams	1.0 cfs
	Priority 1885 - April 1	
Grant Gray	#103 A.E. Gray	2.6 cfs
	Priority 1883 - April 1	
Albert Williams	#128 John T. Williams	0.5 cfs
	Priority 1871 - April 1	
Norman Smith	#129 John A. Tanner	2.08 cfs
	Priority 1871 - April 1	

together with all and singular the tenements, hereditaments and appurtenances the unto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its heirs and assigns forever. And the said parties of the first part, and the heirs, and said premises in the quiet and peaceable possession of the said party of the second part its heirs and assigns, against the said parties of the first part, and their heirs, 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 parties of the first part have hereunto set their hands and seals the day and year first above written.

Dale Bennett (Seal)
David F. Bennett (Seal)
Lloyd A. Bennett (Seal)
Grallene L. Bennett (Seal)
Lavin Thayer (Seal)
John M. Thayer (Seal)
Norman B. Smith (Seal)
Patricia M. Smith (Seal)
Elbert Williams (Seal)
Gladys R. Williams (Seal)
Frank L. Gray (Seal)
Julia S. Gray (Seal)
William D. Taylor (Seal)
Benjamin H. Taylor (Seal)
Wilford Taylor (Seal)
Emmie Taylor (Seal)

STATE OF IDAHO
County of Franklin

On this 10th day of May, 1966, I, Fred B. Larsen, a Notary Public in and for said County of Franklin, do hereby certify that I have seen and know the persons named Dale Bennett and his wife Farrel R. Bennett; Lloyd L. Bennett and his wife Geraldine S. Bennett; Lorin Panter and his wife Lola M. Panter; Norman B. Smith and his wife Patricia M. Smith; Elbert Williams and his wife Gladys E. Williams; Grant L. Gray and his wife Della L. Gray; Dean Panter and his wife Marjorie E. Panter and Wilford Panter and his wife Vinnie Panter known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

Fred B. Larsen
Notary Public, Residing at Pocatello, Idaho.

October 3, 1963

Re: Water District No. 5-B
Mink Creek

Mr. Melroy Larsen, Watermaster,
Water District No. 5-B,
c/o Twin Lakes Canal Co.,
Preston, Idaho.

Dear Mr. Larsen:

We are enclosing a copy of Certificate of Change
of Point of Diversion No. 258 for your records.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Encl. -Certificate
KWT:RHS:pak

October 1, 1963

Re: Change of Point of Diversion
Mound Valley Water Works Assn., Inc.

Mr. Ted B. Larsen,
c/o J. H. Larsen Company,
Preston, Idaho.

Dear Mr. Larsen:

We are enclosing Certificate of Change of Point of Diversion No. 257, together with Departmental Receipt No. 31827, which was issued in the amount of \$1.00 covering payment of the recording fee of the above mentioned transfer.

Also enclosed is the Warranty Deed as requested in your memo of September 26, 1963, and a copy of the Certificate for your files.

Very truly yours,

CARL E. FARMAN
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Encl. - Certificate (2)
Receipt
Warranty Deed

RWT:pmk

cc: Mound Valley Water Works Assn., Inc.
Thatcher, Idaho

Dial 852-0546

J. N. Larsen Company

Preston, Idaho

Box 466

Department of Reclamation

To: Bureau of Reclamation

MEMO

Date: 9-26-63

Re: Water Papers Mound Valley

From: Ted B. Larsen

In reference to Mound Valley water filing permit we are enclosing herewith the receipt for payment of advertizing together with Affidavit of Publication of same.

Also, we are enclosing herewith check in the amount of \$1.00 to cover payment of filing.

Would you please send us the Deed for filing in our county records together with the other papers appertaining to the Mound Valley Water Works.

Thank You.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

August 28, 1963

Re: Transfer of Water Right
Mound Valley Water Works Assn., Inc.

Preston Citizen,
Preston, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **September 20, 1963** the date set for hearing; the expense of the publication is to be paid by the applicant Mound Valley Water Works Assn., Inc. of Thatcher, Idaho, to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

s/

CARL E. TAPPAN

State Reclamation Engineer

~~By~~

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Mound Valley Water Works Assn., Inc. of Thatcher, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing it to change the point of diversion ~~from the waters of~~ of the waters of Bridge Creek or Williams Creek as follows:
Amount: 0.133 cubic feet per second. Priority: .066 cfs of 4-1-1885; .05 cfs of 4-1-1871, and .017 cfs of 4-1-1883;
various points along stream
Point of diversion: / ~~at the point of diversion of the water right of the Mound Valley Water Works Assn., Inc.~~
Place of Use: Sections 7, 19, 20, 24, 29 and 30, Township 12 S., Range 41 E. B.M.,
for domestic and irrigation use

To Be Transferred To
Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 12 S., Range 41 E. B. M.
Place of Use: same place for domestic use

And that on the 20th day of September, 193, at 10:00 o'clock A. M.,
at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer,
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.

CARL E. TAPPAN
State Reclamation Engineer

August 28, 1963

Re: Transfer of Water Right
Mound Valley Water Works Assn., Inc.

Mr. Ted B. Larsen,
c/o J. N. Larsen Company,
Preston, Idaho.

Dear Mr. Larsen:

This is to inform you that we have this day mailed to the Preston Citizen for publication "Notice of Proposed Transfer of Water Right."

Providing there are no protests, Certificate of Transfer of Water Right will be forwarded to you upon receipt of \$1.00 for recording fee, and the Affidavit of Publication, which the Preston Citizen will furnish you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:pmk

Dial 852-0546

J. N. Larsen Company

Box 406

Preston, Idaho

To: Ralph W. Thomas

Re: Mound Valley Water Works

Date: 8-26,- 1963

From: Ted B. Larsen

MEMO

Enclosed herewith corrected water application and original Deed from owners of Decreed water which is being transferred to the Mound Valley Water Works Association. Could you inform us if this is all that is necessary to establish this water right in the name of the Mound Valley Water Works.

Ted

RECEIVED
SEP 2 1963
DEPT. OF AGRICULTURE
BOISE, IDAHO

January 21, 1963

Re: Transfer of Water Right

J. H. Larsen Company,
Box 466,
Preston, Idaho.

Attention: Ted B. Larsen

Gentlemen:

Enclosed are two forms to transfer water right as requested in your letter of January 18th. One form should be sent to this office.

I presume that the domestic water will be diverted from a spring in the upper valley. Some times all of the rights transfer a portion of each right to the transfer, however, the decree shows over 40 different rights. Possibly some with earlier rights could transfer the necessary water to the association.

The land description to which the water will be changed could be shown as "farmsteads in Sections ___, Twp. ___ S., Rge. ___ E.B.M."

I believe that the other questions should not give you any trouble.

Upon receipt of the application for transfer, this office will prepare a legal notice which will be sent for publication in Franklin County at the expense of the applicant.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:pmk

Encl. Application for Transfer of Water Right - 2

J. N. LARSEN COMPANY

REAL ESTATE - TITLE INSURANCE - ABSTRACTS - FIRE INSURANCE - FARM AND CITY LOANS

JAN 21 1963

PRESTON, IDAHO

PHONE 62 BOX 466

Department of Reclamation

January 18, 1963

State Reclamation Engineer
Department of Reclamation
Statehouse
Boise, Idaho

Gentlemen:

At the request of Mound Valley Water Works, Inc., of Thatcher, Idaho, we are requesting the following information:

Said Mound Valley Water Works, Inc., of Thatcher, Idaho, has been formed for culinary water purposes only. They are in the process of obtaining a loan from the USA to put this in.

The water is to come from Bridge Creek or Williams Creek as shown in Water Decree Book, Utah Power and Light Company vs The Last Chance Canal Company, in Equity No. 203.

All of the stock holders of the Mound Valley Water Works, Inc., have decreed water in the Bridge Creek or Williams Creek.

The question: How do they go about filing for this culinary water.

Anything you could to help us in this matter would be greatly appreciated.

Yours very truly,

J. N. LARSEN COMPANY

By *Ted B. Larsen*
Ted B. Larsen

TBL/s