

Notice of Proposed Transfer Water Right

Notice is hereby given that Miletia H. Pond of Grace, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing her to transfer the use of 0.4 second feet of the water of North Fork of Burton Creek from the land upon which it is now used, i. e. SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27, T. 11, S., R. 40 E., B. M., to the following described tract. Lot 3, Sec. 3, T. 12 S., R. 40 E., B. M.

And that, on the 9th day of August, A. D. 1921, at 10 o'clock A. M. at the Department of Reclamation, Capitol Bldg., Boise, Idaho, 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.

W. G. Swendsen,
Commissioner of Reclamation

Affidavit of Publication

I Hector T. Evans of the Gem Valley Progress, a weekly newspaper published at Grace, Idaho, do certify that the attached water notice has been published in the regular weekly issue of the Gem Valley Progress, and not in a supplement, for 6 weekly issues commencing June 30, 1921, and last issue August 2, 1921.

Hector T. Evans

Subscribed and sworn to before me this 5th day of August, 1921.

John Allen

Notary Public.

MICROFILMED

Notice of Proposed Transfer of Water Right

Notice is hereby given that Mileta H. Poid of Grace,
Idaho has applied to the Commissioner of Reclamation of the State of Idaho
 for a certificate authorizing ^{her} ~~him~~ to transfer the use of 0.4 second feet
 of the water of North Fork of Burton Creek

from the land upon which it is now used, i. e. SE¹/₄ NW¹/₄, S¹/₂ NE¹/₄, NE¹/₄ SE¹/₄, S¹/₂ SE¹/₄, Sec. 27, T. 11 S.,
R. 40 E., B. M.

to the following described tract Lot 3, Sec. 3, T. 12 S., R. 40 E., B. M.

And that, on the 9th day of August, A. D.
 1921, at 10 o'clock A. M. at the Department of Reclamation, Capitol Bldg., Boise, Idaho,
 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.

W. G. SWENDSEN,

Commissioner of Reclamation

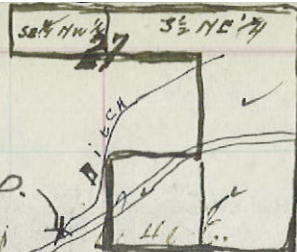
MICROFILMED

MICROFILMED

30

29

18



Present land water decreed for

No. Ft. Burton

Present & proposed
New

P.O.D.

Present
R.O.D.

N. FR. B. CR.

SEC.
31

SEC.
32

SEC.
33

SEC.
34

SEC.

SEC.

Ditch

Twp. 11 S., R. 40 E.

Sup 128 R 40 E. L. M.

Land water is to
be transferred to

SEC.

SEC.
5

SEC.
4

SEC.
3

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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

Name of Applicant

S T A T E O F I D A H O
 DEPARTMENT OF RECLAMATION
 CERTIFICATE OF WATER RIGHT
 Transferred Right No. 327.

This is to certify that Mileta H. Pond, of Grace, County of Bannock, State of Idaho, has a right to the use of the waters of North Fork of Burton Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the United States Court, by Judge F. S. Dietrich, in the case of Utah Power & Light Co., plaintiffs, vs. Last Chance Canal Co., et al, defendants, wherein 1.35 second feet of the waters of North Fork of Burton Creek, in Water District No. 5-A, was dedicated to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27, Twp. 11 South, Range 40 East, Boise Meridian, bearing date of priority of April 5, 1882; that said decree has been entered at Boise, Idaho, in the records of the Department of Reclamation of the State of Idaho, in Vol. 4 of Decrees, at page 502; that, upon the application of Mileta H. Pond for 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 0.4 second feet of the waters of North Fork of Burton 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 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:

				0.4 sec. ft. dated April 5, 1882;							
				NW $\frac{1}{4}$	NE $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$				
Twp.	Rge.	Sec.		NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	-Total			
12	S.40	E.3		40 (Lot 3)					40		

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

No right to the use of waters on the lands herein described exists at the date of this certificate except as herein stated.

WITNESS The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 20th day of October, 1922.


 Commissioner of Reclamation.

RECORDED

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

DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of Mileta H. Pond for Transfer)
of Water Right. Water Dist. #5A.)
Case #91.)

ORDER GRANTING TRANSFER

WHEREAS, On August 9, 1921, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Mileta H. Pond for transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, No one appeared, either in person or by affidavit to protest the said application, and the evidence filed by the applicant shows that a greater duty of water would result by reason of said transfer, and that no one would be injured thereby:

IT IS, THEREFORE, Hereby ordered that said application be granted and that certificate of transfer be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 20th day of October, 1922.

Commissioner of Reclamation.

RECORDED
INDEXED

11-2

Amended Decree

In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS,
Clerk.

By PEARL ZANGER,
Deputy.

RECORDED
INDEXED

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		Range 40 East, for the irrigation of 40 acres of land in the South half of the Southwest quarter, the Northeast quarter of the Southwest quarter of Section 27, Township 11 South, Range 40 East.
266. <i>C. A. Robbins:</i> 1883—April 2	0.8 c.f.s.	To be diverted from said creek in the Southeast quarter of the Southeast quarter of Section 33, Township 11 South, Range 40 East, for the irrigation of 40 acres of land in the East half of the Southwest quarter of Section 34, Township 11 South, Range 40 East, and Lots 1 and 2 in Section 3, Township 12 South, Range 40 East, B. M.
267. <i>J. LeRoy Pond:</i> 1883—April 2	6.4 c.f.s.	To be diverted from said creek in the Northeast quarter of the Northwest quarter of Section 5, Township 12 South, Range 40 East, and by a second diversion in the Southeast quarter of the Southeast quarter of Section 33, Township 11 South, Range 40 East, for the irrigation of 320 acres of land in the Southwest quarter, the Northeast quarter and the Southwest quarter of the Northeast quarter of Section 35, Township 11 South, Range 40 East.
268. <i>Fred Baker:</i> 1912—June 1	0.6 c.f.s.	To be diverted from said creek in the Southeast quarter of the Northwest quarter of Section 5, for the irrigation of 30 acres of land in the North half of the Southwest quarter of Section 4, all in Township 12 South, Range 40 East.
269. <i>Otto Rohalt:</i> 1911—June 1	0.7 c.f.s.	To be diverted from said creek through the LeRoy Pond ditch, diverting therefrom in the Northeast quarter of the Northwest quarter of Section 5, Township 12 South, Range 40 East, for the irrigation of 35 acres of land in the Southeast quarter of the Southwest quarter; the Southwest quarter of the Southeast quarter of Section 33, Township 11 South, Range 40 East.

CALDWELL CREEK

Including unnamed tributary spring arising in the Southwest quarter of the Southeast quarter of Section 4, Township 12 South, Range 40 East, B.M.

RECEIVED

RECEIVED

DATE

FEB 20 1984

Department of Water Resources

FROM Steve McCormick

TO ~~Robert A. Thompson~~ ROBERTA

SUBJECT 11-0575 T# 327. There appears to be an error in this file.

T327 - Amt = 0.4 cfs, April 15/1882

P.D. -

Source NORTH BURTON CREEK

OLD P.U. - SENW, S²NE, NESE, S²SE Sec 27 T11S-R 40E

NEW P.U. - Lot 3, Sec 3, T11S, R40E

11-0570 Amt = 5.0 cfs 5-1 to 5-15; 4.0 cfs 5-15 to 10-1.

P.D. NWNE - 32, T. / NW NW Sec 32, T11S 40E. NORTH BURTON Cr.

P.U. - SE⁴ NW⁴, S²NE, NESE, S²SE⁴ - Sec 27, T11S-40E

- E²SE⁴, Sec 33, W²SW⁴, S²NW Sec 34 11S 40E.

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

11-0575 AMT = 6.4 cfs. 4/2/1883

SUBJECT

P.O. NE NW - 5 - 125 - 40E SOUTH BORTON CREEK
SE SE - 33 - 115 - 40E

P.O.; SW NE, BWNE Sec 35, T. 115, R. 40E.

THE TRANSFER NUMBERED 327 IS ACTUALLY FROM RIGHT
WB 11-0570 NOT 11-0575.

SIGNATURE

POND, LEROY J.

6.4

11-0575

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
327	Pond, Mileta H.	0.4	6.0	11-0575A

Grace Idaho
Dec 2 1922.

W. G. Swendsen

Boise Idaho,

Dear Sir: Please find inclosed 1.00
bill for transfer of water.

And I hope

Mildred H. Paul.

MICROFILMED

December 4, 1922.

Re: Transfer.

Mrs. Miletta H. Pond,
Grace, Idaho.

Dear Madam:-

Enclosed you will find certificate of transfer of
water right, with receipt for fee paid.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By
Chief Clerk.

Encl.

RECEIVED

November 21, 1922.

Re: Transfer.

Mrs. Mileta H. Pond,
Grace, Idaho R.F.D.#1.

Dear Madam:-

Referring to your application for transfer of water right would say that, upon receipt of fees in the sum of \$1.00, the certificate of transfer will be forwarded to you. The fees should be sent either in currency or by postal money order.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

RECEIVED
NOV 22 1922

October 25, 1922.

Re: Transfer of Water.

Mrs. Miletta H. Pond,
R. F. D. No. 1,
Grace, Idaho.

Dear Madam:-

Sometime ago we wrote to Mr. W. H. Jackson, of Pocatello, relative to obtaining copy of the decree under which your application for transfer was made but we now find that this water right is contained in the Bear River decree, a copy of which has been filed in this office for our records. It will not be necessary, therefore, for you to file an additional copy. Upon receipt of the statutory fee of \$1.00, the certificate of transfer will be issued.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

MICROFILMED

Wm. H. Jackson, Jr.
Loans, Real Estate
Insurance

Pocatello, Idaho,
July 29, 1928.

Mr. W. C. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Relative to the transfer of water
for Mileta H. Pond, beg to advise that I have
written Mrs. Pond about the matter, but have not
received an answer. I am taking the matter up
with her again today.

Very truly yours,



WEJ:OR

ENCLOSURE

July 27, 1922.

Re: Transfer of Water Right.

Wm. H. Jackson, Jr.,
Pocatello, Idaho.

Dear Sir:-

On October 11, 1921, a letter was mailed to you from this office advising you that a copy of the decree of the United States Court would be required before issuing the certificate of transfer to Mileta R. Pond. So far we have received no reply. If it is not convenient to get a copy of the entire decree, that portion relating to this particular water right will be sufficient for our purposes.

There also remains the statutory fee of \$1.00 before the certificate can be granted.

Kindly give this matter your early attention in order that the case may be closed upon our record books.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

RECORDED
INDEXED

October 11, 1921.

Re: Transfer-Mileta H. Pond.

Wm. H. Jackson, Jr.,
Pocatello, Idaho.

Dear Sir:-

In looking over the application for transfer of Mileta H. Pond that the right was decreed by decree of the United States Court and has not been placed on record in this office. Before issuing the certificate, therefore, it will be necessary for the applicant to furnish us with a certified copy of this decree as the statutes do not provide for certified copies of such decrees to be furnished by the United States Court.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

RECEIVED
OCT 12 1921
BUREAU OF RECLAMATION

Notice of Proposed Transfer Water Right

Notice is hereby given that: Miletia H. Pond of Grace, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing her to transfer the use of 0.4 second feet of the water of North Fork of Burton Creek from the land upon which it is now used, i. e. SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 11, S., R. 40 E., B. M., to the following described tract: Lot 3, Sec. 3, T. 12 S., R. 40 E., B. M.

And that, on the 9th day of August, A. D. 1921, at 10 o'clock A. M. at the Department of Reclamation, Capitol Bldg., Boise, Idaho, 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.

W. G. Swendsen,
Commissioner of Reclamation

Affidavit of Publication

I Hector T. Evans of the Gem Valley Progress, a weekly newspaper published at Grace, Idaho, do certify that the attached water notice has been published in the regular weekly issue of the Gem Valley Progress, and not in a supplement, for 6 weekly issues commencing June 30, 1921, and last issue August 3, 1921.

Hector T. Evans

Subscribed and sworn to before me this 5th day of August, 1921.

John Allyn

Notary Public.

RECORDED

1

Wm. H. Jackson, Jr.

Loans, Real Estate
Insurance

Pocatello, Idaho,

September 26th 1921

Mr. W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:-

This will thank you for your letter of
the 22nd inst regarding the transfer
of water right on behalf of Mileta M.
Pond.

We are this day sending the copy of the
letter so that I think it will be taken
care of soon.

Yours truly,

Wm. H. Jackson, Jr.,

By

W. H. Jackson

WHJ-h

MICROFILMED

September 22, 1921.

Re: Transfer of Water Right.

William H. Jackson, Jr.,
Pocatello, Idaho.

Dear Sir:--

On August 16th we wrote you relative to the application of Mileta H. Pond for transfer of water right, advising you that no protests had been filed in this office and that, upon receipt of the affidavit of publication the certificate would issue. There also remains the statutory fee of \$1.00.

Please take this matter up with your client to the end that the case may be closed and certificate issued.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

RECEIVED

August 16, 1921.

Re: Transfer Case #91 - Miletta H. Pond.

Mr. William H. Jackson, Jr.,
Box 358,
Pocatello, Idaho.

Dear Sir:

This will advise you that no protests were offered at the hearing held August 9, 1921, in connection with application for transfer of water right. Upon receipt of Affidavit of Publication, the certificate of transfer will be issued.

Kindly give this your immediate attention in order that no more delay may occur.

Very truly yours,

W. G. SWINDSEN,
Commissioner of Reclamation

By

MB/E

Chief Clerk.

MAILED
AUG 17 1921

July 25, 1921.

Re: Transfer Case - Mileta H. Pond.

Mr. Wm. H. Jackson, Jr.,
Pocatello, Idaho.

Dear Sir:

Replying to yours of the 23rd concerning the above transfer case, will state that you must have mis-read our letter of the 20th in regard to the date, as we stated that the notice could be published in the issues of July 29th and August 5th, and fixing the date for hearing as of August 9th. The statutes require that a hearing date for transfer cannot be set less than two days after the last publication, and as the 5th is the last publication date, it would be impossible to hold the hearing on that date. We therefore set August 9th as the date for hearing as Tuesday is a little more convenient than Monday to this office for the hearing. We are today sending the notice to the Gem Valley Progress as of August 9th, and trust this will be agreeable to you and your client.

As we stated before, unless protest is filed, or anticipated, it will not be necessary for your client to appear at the hearing.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

MB

RECORDED

Wm. H. Jackson, Jr.
Loans, Real Estate
Insurance

Pocatello, Idaho,

July 23rd 1921

State Engineer,
Boise, Idaho.

Gentlemen: Re. Miletz Pond transfer

This will thank you for your letter of the
20th inst regarding the above matter.

I am this day advising the applicant that
the date has been changed to August 5th
which I think will be satisfactory.

The Gen Valley Progress is the name of
the paper published at Grace now. I think
it was the Gen State Tribune up until
some time ago when the business changed
hands and the name of the papers was
changed at that time.

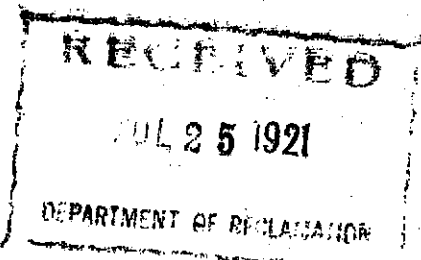
Yours very truly,

Wm. H. Jackson, Jr.,

By

T. J. Haskinson

WHJ-h



MICROFILMED

ADDRESS ALL MAIL TO BOX 358

July 25, 1921.

Publisher Gem Valley Progress,
Grace, Idaho.

Dear Sir:

On July 2, 1921, we mailed a notice for publication to the Publisher of the Gem State Tribune at Grace, requesting a two week's publication of the same. We have since been informed that the Gem State Tribune is no longer in existence but that the paper had changed hands and also changed the name. If this notice has reached your paper and been published, please notify us of the same.

If, however, the notice has never reached your office, will you kindly publish the enclosed notice for two consecutive weeks, beginning with your issue of July 29th. The cost of this publication will be paid by Mileta H. Pond of Grace, Idaho, to whom you should furnish proof of publication before August 9th, the date set for the hearing in the matter.

Will you kindly give this your immediate attention and advise us accordingly?

Very truly yours,

W. G. SWENDSEN.
Commissioner of Reclamation

By

Chief Clerk.

MB
Encl.

RECORDED

Notice of Proposed Transfer of Water Right

Notice is hereby given that Mileta H. Pond of Grace,
Idaho has applied to the Commissioner of Reclamation of the State of Idaho
 for a certificate authorizing ^{her} ~~him~~ to transfer the use of 0.4 second feet
 of the water of North Fork of Burton Creek
 from the land upon which it is now used, i. e. SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27, T. 11 S.,
R. 40 E., B. M.
 to the following described tract Lot 3, Sec. 3, T. 12 S., R. 40 E., B. M.

And that, on the 9th day of August, A. D.
1921, at 10 o'clock A. M. at the Department of Reclamation, Capitol Bldg., Boise, Idaho,
 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.

W. G. SWENDSEN,

Commissioner of Reclamation

MICROFILMED

July 20, 1921.

Re: Miletta H. Pond Transfer.

Mr. Wm. H. Jackson, Jr.,
Box 358,
Pocatello, Idaho

Dear Sir:

Replying to yours of the 19th concerning the above transfer of water right will state that on July 2, 1921, we mailed notice for publication to "Gem State Tribune" at Grace for the required two weeks publication. This is the name of the paper we have listed at Grace. Immediately on receipt of your letter this morning, we made further search regarding the papers published at Grace and find that the Gem State Tribune is not mentioned, so we presume that it has been discontinued and our letter containing the notice is probably lying in the post office unclaimed.

Inasmuch as it is too late to get the publication in this week, we think it would be advisable to set a new date for hearing of *August* 9th, thus giving time for the notice to be published on ~~August~~ 29th and August 5th. If this date is agreeable to your client, kindly advise us at once and we will send new notice, to the Gem Valley Progress.

Also if you could give us any information regarding the Gem State Tribune, as to whether it has actually been discontinued or not, we would appreciate it. If the Tribune has moved to some other place and mail is forwarded to them, we would not wish the publication to appear in that paper also, thus costing the applicant additional expense.

Very truly yours,

W. G. SWENDESEN,
Commissioner of Reclamation

By

MB

Chief Clerk.

RECORDED

Wm. H. Jackson, Jr.

Loans, Real Estate
Insurance

Pocatello, Idaho,

July 19th 1921

State Engineer,
Boise, Idaho.

Gentlemen:

Relative to the application of Mileta H. Pond
for a transfer of water right would say that
we have been advised that the applicant made
inquiry about the 15th inst of the Gem Valley
Progress at Grace and was advised that the
notice had not yet been received.

Will you kindly look this matter up and
let me know what the status of it is.

Yours very truly,

Wm. H. Jackson, Jr.,

By

W. H. Jackson

WHJ-h

RECEIVED

JUL 20 1921

DEPARTMENT OF RECLAMATION

July 2, 1921.

Re: Transfer of Water Right.

Mr. Wm. H. Jackson, Jr.,
Pocatello, Idaho.

Dear Sir:

Relative to the application of Miletta H. Pond for a transfer of water right would say that we have set July 29th as the date for hearing, at this office, at 10 o'clock A. M. and notice is today being mailed to the Gem State Tribune at Grace for the required two weeks publication.

The applicant will not be required to make further appearance at the hearing unless a protest is entered, in which case you will be further advised in the matter.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

MB

Chief Clerk.

RECEIVED
JUL 10 1921

July 2, 1921.

Publisher Gem State Tribune,
Grace, Idaho.

Dear Sir:

I am enclosing herewith notice of transfer of water right which please publish once a week for two consecutive weeks prior to July 29th, the date set for the hearing. The expense of the publication will be paid by Miletta H. Pond, or her agent, Wm. H. Jackson, Jr., of Pocatello, to whom you should furnish proof of publication prior to the date of the hearing.

Kindly send us a copy of the first issue in order that we may check same with our records.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

MB

RECEIVED
JUL 10 1921

Notice of Proposed Transfer of Water Right

Notice is hereby given that Milota H. Pond of Grace,
Idaho, has applied to the Commissioner of Reclamation of the State of Idaho
for a certificate authorizing him to transfer the use of 0.4 second feet
of the water of North Fork of Burton Creek
from the land upon which it is now used, i. e. SE¹ 1/4, NW¹ 1/4, S¹ 1/2, NE¹ 1/4, S¹ 1/2, Sec. 27, T. 11 S.,
R. 40 E., B. M.,
to the following described tract Lot 3, Sec. 3, T. 12 S., R. 40 E., B. M.,
And that, on the 29th day of July, A. D.
1912, at 10 o'clock A. M., at the Department of Reclamation, Capitol Building,
Boise, Idaho, 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.

W. G. SWENDSEN,

Commissioner of Reclamation

MICROFILMED

Wm. H. Jackson, Jr.
Loans, Real Estate
Insurance

Pocatello, Idaho,

June 29th 1921

State Engineer,
Boise, Idaho.

Dear Sir:-

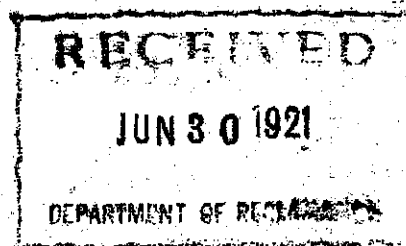
I am enclosing herewith water application
for transfer of water right of Mileta H.
Pond with corrections made as suggested by you.

Yours truly,

Wm. H. Jackson, Jr.,

By *W*

WHJ-h



MICROFILMED

RECEIVED
JUN 30 1921

RECEIVED

JUN 6 1921

DEPARTMENT OF RECLAMATION

Application for Transfer of Water Right

STATE OF IDAHO,

County of Bannock

} ss.

Mileta H. Pond

, being first duly sworn, deposes and says:

That ^{her}~~his~~ name is Mileta H. Pond; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Grace, Idaho, R.F.D.#1.That he is the owner and using a certain water right, bearing date of priority of Apr 5 1882, for 1;33 cubic feet per second of the waters of North Fork of Burton CreekCounty of Bannock, State of Idaho, decreed to L. Austin Pond, et al
United States Court
by decree of Judge, F.S. Dietrick of the Judicial District of the State ofIdaho, in and for the County of Bannock, in the case of Utah Power & Light Co
vs. Last Chance Canal Co, et al, said decree bearing date of August 20, 1920

(or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____, 19____, bearing date of priority of _____, 19____)

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 5A in the County of Bannock and State of Idaho, to-wit:SE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 27 Twp 11 S, R 40 E.B.M._____ 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. aforesaid decree and deed from L. Austin Pond
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 NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 11 S., Range 40 E, B. M., and conducted to the above described lands through private ditch
as per map herewith and of this affidavit made a part;That affiant and petitioner desires to abandon the use of 2/5 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 Bannock and State of Idaho, to-wit:
Lot 3, Sec 3, Twp 12 S, R. 40 E.B.M.That his reasons for desiring to make such transfer are as follows: In order to have
water right of record for said lands, the same being now
available and used thereon.

Case 92

RECORDED

That he intends to divert and convey said 2/5 second feet of water to the tract of land last above described in the following manner, to-wit: by private ditch as per map herewith

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.

Mileta H. Pond

Applicant.

Subscribed and sworn to before me this 25th day of April

A. D. 1921

J. H. Thatcher
Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? North Burton Creek

Where is the diversion point located? ~~SW 1/4 Sec 27~~ Sec 27, Twp 11 S, R. 40 E.B.M.

Through what ditch is it now conducted? Own private ditch

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

Give the description: twenty acres of lands in Sec 27 described on page one hereof. 3-1/3 acres in each subdivision thereof.

What is the total amount of water in inches, or second feet, dedicated to said land? 4 cu. ft. per sec

What kind of crops are being raised? Mostly hay

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

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

Practically none

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

NW 1/4 NE 1/4 Sec 32, T11S-R40E
no change

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

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

One inch per acre for the irrigable land, or 1 inch per acre.

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. Yes, 4 cu ft North Burton Creek, Date 1882

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. No other water for this land

Signed

Mileta H. Pond

Applicant.

RECORDED

STATE OF IDAHO,

County of Bannock

} ss.

Litha H. Pond

and

David Bartlowe

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 Thatcher, Idaho.

that he is a user of water from North Burton, in Water District No. _____

County of Bannock, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Mileta H. Pond 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.

Litha H. Pond

David Bartlowe

Subscribed and sworn to before me this

25th

day of April

A. D. 1921

S. H. Thatcher

Notary Public

Residence: Thatcher, Idaho

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 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: _____

Watermaster, Dist. No. _____

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

MICROFILMED

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

SEC.
3/

SEC.
32

SEC.
33

SEC.
34

SEC

SEC

SEC.

SEC.
5

SEC.
4

SEC
3

SEC

SEC

SEC.

SEC.

SEC.

SEC

SEC

SEC

Present land water decreed for

Present
R. O. D.

~~Present & proposed~~
New

P.O.D.

N. FR

Diễn 4

Twp. 14 S., R. 40 E.

Aug 12 D. R. 40 E. B. M.

Land water is to be transferred to