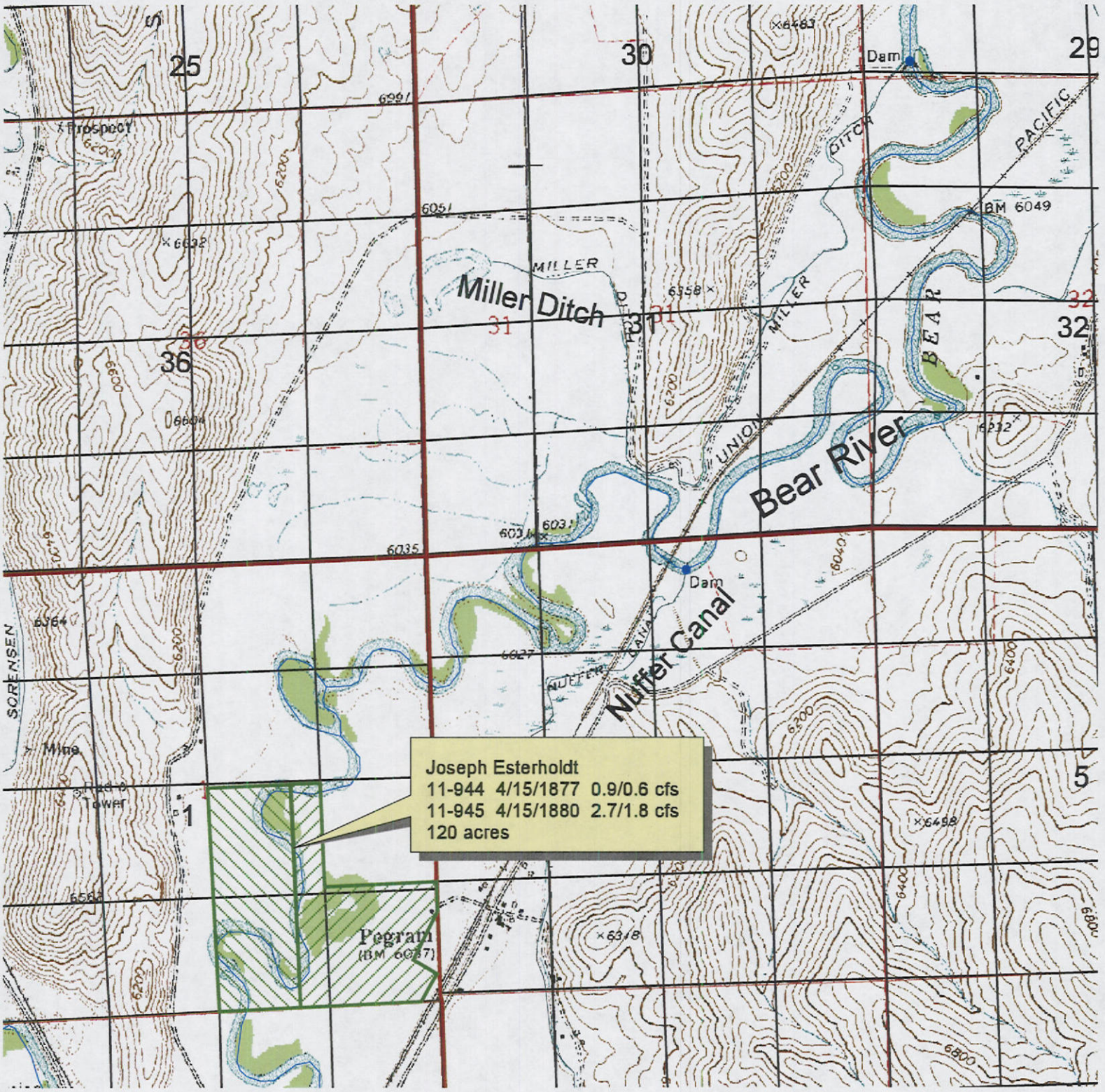
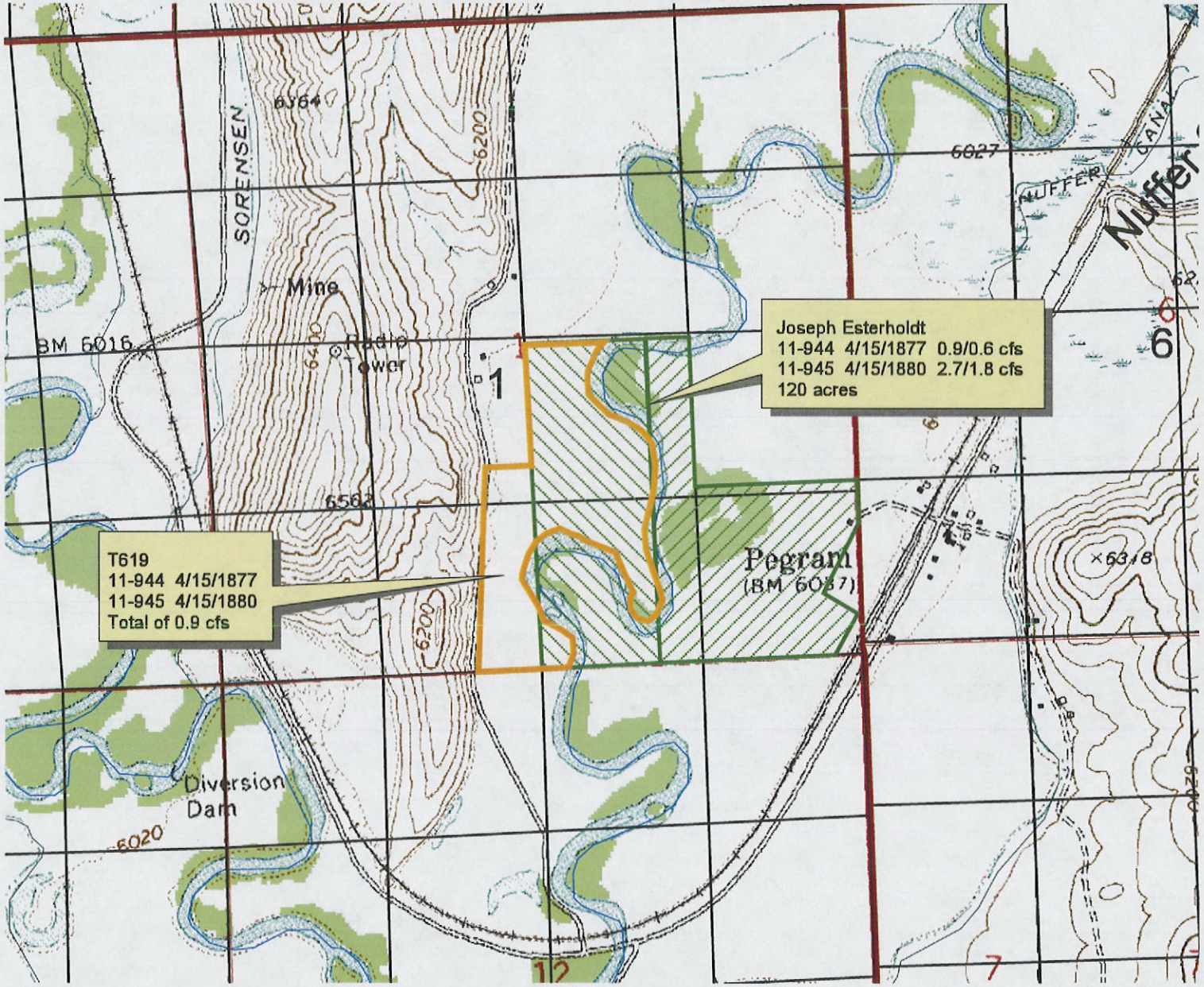
WR Decree Nos. 11-944 and 11-945



Transfer No. 619



WRS #5

#619

May 9, 1941.

Re: Transfer 619.

Mr. E. J. Baird
Watermaster Dist. No. 5
Soda Springs, Idaho

Dear Mr. Baird: Geo. J. Esterholt.

We received a letter from Mr. Geo. J. Esterholt regarding his transfer from the Nuffer Ditch to the Miller Ditch. Transfer No. 619 shows that 45" or .9 c.f.s. were transferred from the Nuffer Ditch to the Miller Ditch in addition to the 15 " or .3 c. f. s. that was previously in the Miller Ditch thus making Mr. Esterholdt entitled to 60" or 1.2 c. f. s. in the Miller Ditch.

You will be governed by transfer No. 619 and turn 60" or 1.6 (1.2) c.f.s. through the Miller Ditch to Mr. Esterholt.

Enclosed you will find certificate of appointment for deputy watermaster which you verbally requested Mr. Berg to send you.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation

BY: R. E. POWELL
State Water Supervisor.

REP:ml.

I think these (2) orders are for July 1st thru Sept 30 (2 weeks per acre)
2/7 7-14-30

MICROFILMED

March 26, 1941

Mr. George J. Esterholdt
Pegram, Idaho

Dear Mr. Esterholdt:

We received your petition asking for a change in point of diversion for your waters on the west side of Bear River along with all papers pertaining thereto.

I have examined them and they appear to be correct and have, therefore, issued this Certificate of water right, transferring 45 inches or .9 of a second foot from the Nuffer Ditch to the Miller Ditch. The .9 plus the .3 cubic foot already in the Miller Ditch will make a legal right of 1.2 or 60 miners inches in the Miller Ditch and leaving the balance of 60 inches in the Nuffer Ditch.

I hope this will be satisfactory to you and that the matter of this transfer is now closed.

Very truly yours,

E. V. BERG
Commissioner of Reclamation

EVB:dbj
Encl.

MICROFILMED

1940 NOTICE OF TAXES DUE—1940 No. 2010

BEAR LAKE COUNTY, IDAHO

Page 335

PARIS, IDAHO, ... 19.....

RECEIVED OF Richard Sleight c/o Joseph Esterholdt

Whose postoffice address is Bogman, Idaho

..... DOLLARS the full amount of all State, County, City, Village, School, Road and other taxes for the year 1940, due upon the following described property as shown by the Assessment Roll of said County for said year, to-wit:

..... Deputy.

..... Tax Collector.

PERSONAL CHECKS ACCEPTED SUBJECT TO BANK CLEARANCE

ALL REAL PROPERTY DESCRIBED IS IN SOUTH RANGE, EAST OF BOISE MERIDIAN

Subdivision Addition	Sec.	Twp.	Range Lot	Acres Block	Value	Val. Imp.	Total Val.
67 20 157							
Trac. W½ SE T-2552	1	15	45	60	380		380
Miller Ditch West side of river							

MICROFILMED

December 4, 1940.

Mr. George J. Esterholdt,
Pegram, Idaho.

Dear Mr. Esterholdt:

We are in receipt of your letter of December 2, in which you enclosed Notices of Taxes Due-1940.

We have examined the Tax Notices and find that the lands described on them is as follows:

Frac. West Half of the Southeast Quarter T-2552 of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres.

Also;
Southeast Quarter of the Southwest Quarter, and the South Half of the Northeast Quarter of the Southwest Quarter of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres.

We have also examined the decree, and find that the lands described under the Water Right of Joseph Esterholdt are in part as the above described lands, that is Frac. West half of the Southeast Quarter of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres, but do not include the Southeast Quarter of the Southwest Quarter and the South Half of the Northeast Quarter of the Southwest quarter, containing 60 acres, of Section 1, of the above Township and Range. The other 60 acres described in the decree are East of the first mentioned 60 acres, but the Tax Notice describes a 60 acre tract West of the first mentioned 60 acres, not covered by the Joseph Esterholdt Water Right. It is therefore evident that a change in point of diversion is not necessary, AS THERE IS NO RECORD OF A TRANSFER OF WATER RIGHT FOR THESE LANDS.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

O. D. Becker

By O.D.BECKER
Supervisor of Water Distribution

cc: Baird, E.J.
W. Smith Hoge.

MICROFILMED

JOSEPH ESTERHOLDT

1877-April 15th- What is designated in this decree as a "Meadow Right":

April 15th-- July 1st	.9 cubic feet per second.
July 1st-Sept. 30th	.6 cubic feet per second.

1880-April 15th, What is designated in this decree as a "Meadow Right."

April 15th-July 1st	2.7 Cubic feet per second.
July 1st-Sept. 30th	1.8 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 46 East of the Boise Meridian; and water for 105 acres of the following described land being diverted from Bear River by means of the Nuffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31 Township 14 South, Range 46 East of Boise Meridian intersects Bear River; said water to be used on a total of 120. acres of land described as follows:

Beginning at a point on the south line of Section One (1) Township 15 South of Range 45 East of Boise Meridian, 225 feet west of the Southeast corner of Section 1 where the West line of the Oregon Short Line right-of-way intersects Section line, running thence West 1425 feet, thence North 2640 feet; thence East 330 feet; thence South 1320 feet; thence East 1320 feet; thence South 342 feet, more or less to intersection with West boundary line of the O. S. L. railway right-of-way; thence Southwesterly (S. 20° 45') 646 feet more or less to jog in right-of-way fence; thence Southeasterly at right angles 335 feet to right-of-way; thence Southwesterly along right of way fence 304 feet to place of beginning, containing in all sixty acres more or less. Together with all water rights thereunto belonging.

Also commencing at a point sixteen hundred fifty (1650) feet West from the Southeast corner of Section One (1) in Township fifteen (15) South of Range forty-five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet more or less, to the Southwest corner of the Southeast Quarter of Section One; thence North twenty six hundred and forty (2640) feet; thence East 990 feet; thence South 2640 feet to the place of beginning containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said lands."

MICROFILMED

Form 13-A

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,
County of BEAR LAKE } ss.

GEORGE J. ESTERHOLDT, being first duly sworn, deposes and says: That his postoffice address is PEGRAM, IDAHO; That he is the owner of and using a certain water right, bearing date of priority of 1877 and 1880, 19..., for 3.30 cubic feet per second of the waters of Bear River, County of Bear Lake, State of Idaho, decreed to JOSEPH ESTERHOLDT, by decree of Judge Robert M. Terrell, of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of Preston-Montpelier Irrigation Company vs. Dingle Irrg. Co. a corp. et al., said decree bearing date of March 7, 1924, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. ..., in the County of Bear Lake, and State of Idaho, to-wit: [redacted];

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: George Esterholdt, George J. Esterholdt, and Joseph Esterholdt, are all one and the same person.

That said waters are now/supposed to be diverted from said stream in the SW ¼ SE ¼ of Sec. 31, Twp. 14 S., Range 46, and conducted to the above described lands through the NUFFER ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in NW ¼ of NW¼ ¼, Sec. 32, Twp. 14 S., Range 46 E.B.M. and thereafter conduct same to the above described land through the Miller ditch, as per map above referred to:

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

Land to which water was decreed is located on West side of Bear River and Oregon Short Line Railroad right-of-way and the Nupher Ditch, from which the water was to be taken, is located on the East side of Bear River and said Railroad,

That no one will be injured by such change and that such change will be made at affiant's own risk.

George J. Esterholdt
Affiant.

Subscribed and sworn to before me this 3rd day of June, 19 40.

[signature]
Notary Public.

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.

Bear Lake County Abstract Company

PARIS, IDAHO

PLAT OF LAND BELONGING TO Joseph ESTERHOLDT.

SCALE: 1 inch = 20 chains

Abstract No.

TWP. 14 S.R. 45 E. B. M.

Sheet No.

Point of diversion of MILLER Ditch is about 150 yards East of NE Corner of Sec. 31 - T. 14 S.R. 46 E.B.M.

MILLER DITCH IS ON West side of Bear River.

36

31

Point of diversion of Nuffer Ditch at or near a point where South line of SE¼ of Sec. 31, T. 14 S.R. 46, intersects Bear River

BEAR RIVER

TWP. 15 S. R. 45 E. B. M.

T. 15 - 46 E.B.M.

1

990'

330'

1325'

60 Acres

2640'

1320'

2640'

60 Acres

660'

347'

385'

50'

990'

1425'

22½°

6

Nuffer Ditch is on East side of River

FILMED

JOSEPH ESTERHOLDT

1877-April 15th- What is designated in this decree as a "Meadow Right":

April 15th-- July 1st .9 cubic feet per second.
July 1st-Sept. 30th .6 cubic feet per second.

1880-April 15th, What is designated in this decree as a "Meadow Right."

April 15th-July 1st 2.7 Cubic feet per second.
July 1st-Sept. 30th 1.8 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 46 East of the Boise Meridian; and water for 105 acres of the following described land being diverted from Bear River by means of the Nuffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31 Township 14 South, Range 46 East of Boise Meridian intersects Bear River; said water to be used on a total of 120 acres of land described as follows:

Beginning at a point on the south line of Section One (1) Township 15 South of Range 45 East of Boise Meridian, 225 feet west of the Southeast corner of Section 1 where the West line of the Oregon Short Line right-of-way intersects Section line, running thence West 1425 feet, thence North 2640 feet; thence East 330 feet; thence South 1225 feet; thence East 1320 feet; thence South 342 feet, more or less to intersection with West boundary line of the O. S. L. railway right-of-way; thence Southwesterly (S. 20° 45') 646 feet more or less to jog in right-of-way fence; thence Southeasterly at right angles 335 feet to right-of-way; thence Southwesterly along right of way fence 304 feet to place of beginning, containing in all sixty acres more or less. Together with all water rights thereunto belonging.

Also commencing at a point sixteen hundred fifty (1650) feet West from the Southeast corner of Section One (1) in Township fifteen (15) South of Range forty-five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet more or less, to the Southwest corner of the Southeast Quarter of Section One; thence North twenty six hundred and forty (2640) feet; thence East 990 feet; thence South 2640 feet to the place of beginning containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said lands."

MICROFILMED

Form 13-A

Affidavit for Change of Point of Diversion of Decreed Water Right

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That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: George Esterholdt, George J. Esterholdt, and Joseph Esterholdt, are all one and the same person.

That said waters are now diverted from said stream in the SW ¼ SE ¼ of Sec. 31, Twp. 14 S., Range 46 E., and conducted to the above described lands through the NUPHER ditch, as per map filed herewith and of this affidavit made a part; supposed to be

That affiant desires to change the point of diversion of said water from the point above described to a point located in NW ¼ of NW¼ ¼, Sec. 32, Twp. 14 S., Range 46 E.B.M. and thereafter conduct same to the above described land through the Miller ditch, as per map above referred to:

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

Land to which water was decreed is located on West side of Bear River and Oregon Short Line Railroad right-of-way and the Nupher Ditch, from which the water was to be taken, is located on the East side of Bear River and said Railroad.

That no one will be injured by such change and that such change will be made at affiant's own risk.

George J. Esterholdt
Affiant.

Subscribed and sworn to before me this 3rd day of June, 19 40.

Notary Public.

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.

MICROFILMED

Bear Lake County Abstract Company

PARIS, IDAHO

PLAT OF LAND BELONGING TO Joseph Esterholdt

SCALE: 1 inch=20 chains

Abstract No. TWP. 14 S.R. 45 E. B. M. Sheet No.

Point of diversion of Miller Ditch is about 150 yards East of NE Corner of Sec 31, T. 14 S.R. 46 E.B.M.

MILLER Ditch is on West side of Bear River.

36

31

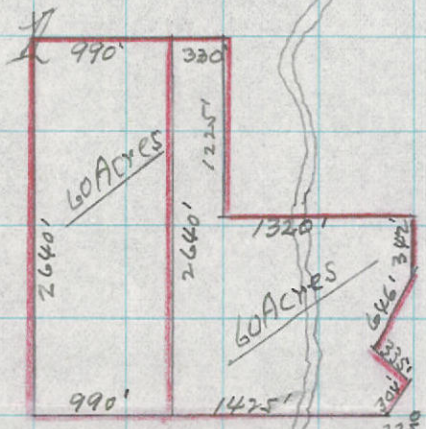
Point of diversion of Nuffer Ditch at or near a point where South line of SE 1/4 of Sec. 31, T. 14 S. R. 46 E. B. M. intersects Bear River.

TWP. 15 S. R. 45 E. B. M.

T. 15 S. R. 46 E. B. M.

6

Nuffer Ditch is on East side of River.



MICROFILMED

CONSENT TO TRANSFER OF WATER.

We the undersigned, owners and users of water from, the Zupder-Miller Ditch, out of Bear River, in Bear Lake County, Idaho, hereby consent to transfer of water decreed to Joseph Esterholdt, also known and George J. Esterholdt, from the ~~Neupher~~ Nuffer Ditch out of said Bear River, into our said Zupder-Miller Ditch, due to the fact that his land is located on the West side of Bear River and can only be irrigated from our Ditch, and the Neupher Ditch is located on the East side of said River.

Dated June 3rd 1940.

WITNESSES;

Gilbert Ford

Cleone Rigby

Chloey Esterholdt

OWNERS:

W. G. L. Loyd

Frank K Rigby

Hyrum Esterholdt

MICROFILMED

CONSENT TO TRANSFER WATER.

We the undersigned, owners and users of water from the ~~Neupher~~ Nuffer Ditch, out of Bear River, hereby consent to transfer of water as decreed to Joseph Esterholdt, also known as George J. Esterholdt, from the said Ditch to the Miller Ditch on the West side of Bear River, said ditch is also known as the "ZUPDER-MILLER DITCH", said change being consented to, due to the fact that the Neupher Ditch is on EAST side of Bear River and the Zupder-Miller Ditch is on WEST side of said river, and the land belonging to said George J. Esterholdt, is also on the west side of said river and irrigated from the Zupder-Miller Ditch.

Dated this 3rd day of June, 1940.

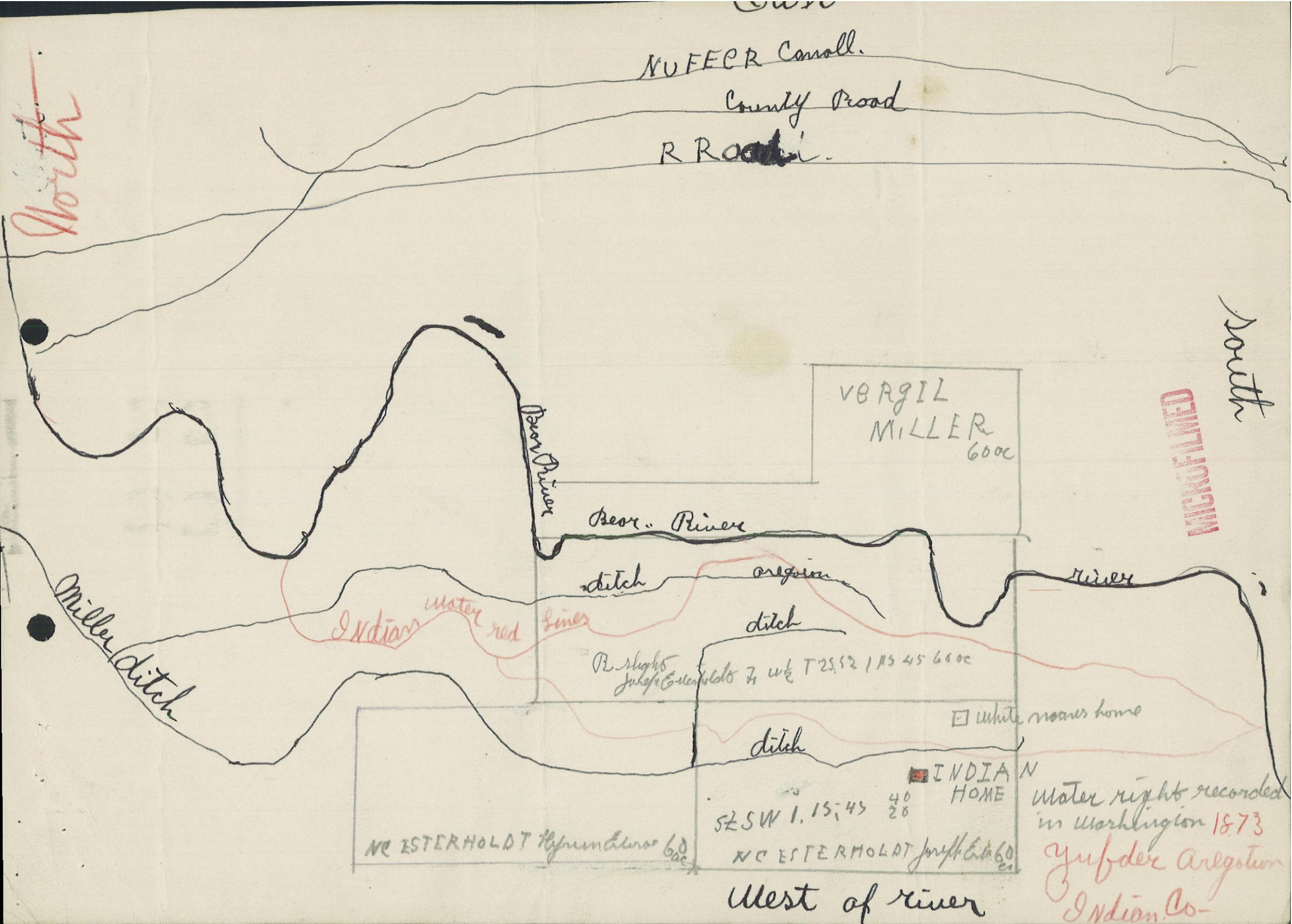
WITNESSES:

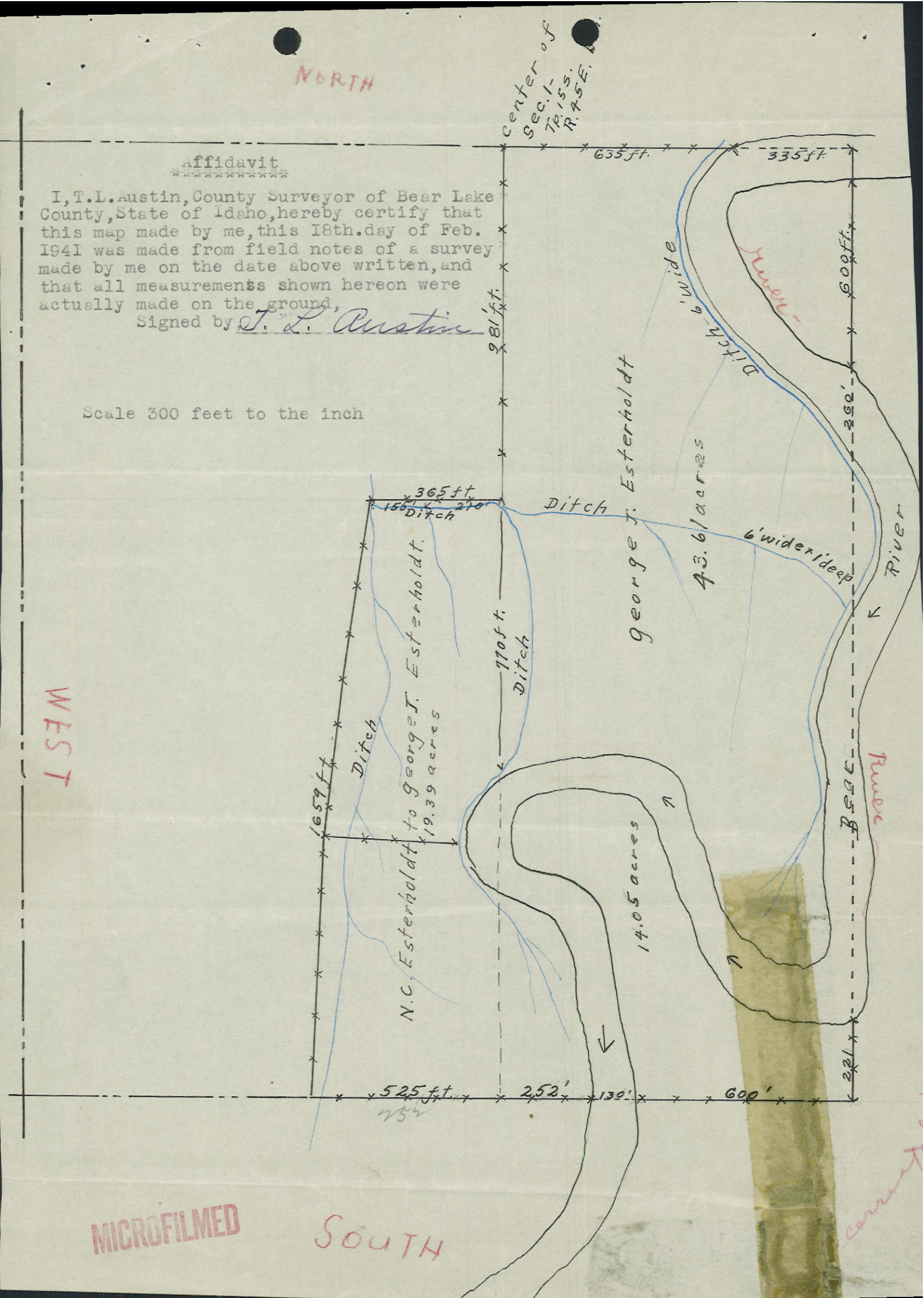
OWNERS:

Earl Sorensen
Frank K Bagley
Geo. M. Nielsen

Earl Sorensen
O. A. Sorensen
Frank K. Bagley

MICROFILMED


North
NUFECR Canall.
County Road
R Road
South
VERGIL MILLER 600c
Bear River
Bear River
ditch
oregon
river
Miller ditch
Indian water red liners
ditch
R rights Jake & Ellen Holst 7½ ac T 25, 52 / 15 45 600c
white moses home
ditch
INDIAN HOME
SE SW 1. 15, 45 40 20
NC ESTERHOLDT Hyrum Estate 60c
NC ESTERHOLDT Jorgen Est 60c
West of river
MICROFILMED
water right recorded in Washington 1873
Yufder Aregstum
Indian Co-


NORTH
center of sec. 1- Tp. 15 S. R. 45 E.
635 ft.
335 ft
981 ft.
600 ft.
Affidavit
I, T.L. Austin, County Surveyor of Bear Lake County, State of Idaho, hereby certify that this map made by me, this 18th. day of Feb. 1941 was made from field notes of a survey made by me on the date above written, and that all measurements shown hereon were actually made on the ground,
Signed by T. L. Austin
Scale 300 feet to the inch
Ditch 6' wide
Liver -
360'
365 ft
155'
210'
Ditch
Ditch
georget. Esterholdt
43.61 acres
6' wide x 1' deep
River
770 ft.
Ditch
WEST
1659 ft.
Ditch
N.C. Esterholdt to georget. Esterholdt
19.39 acres
14.05 acres
Bear
River
221'
525 ft.
252'
130'
600'
SOUTH
MICROFILMED

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Esterholdt, Joseph	0.9		11-0944
619	Esterholdt, George J.	0.45	0.45	11-0944A

Probably 0.45/0.30

This is not correct, 0.9 is the April 15th - July 1st amount, and 0.45 is the July 1st - Sept 30 amount.

Original right was variable (0.9/0.6 cfs). A total of 1.2/0.9 cfs is transferred from Nutter to Miller canal when combined with the 2.7/1.8 cfs right 11-0945.

This results in the Miller canal with 0.45/0.30 APR 15, 1877 and 1.35/0.90 APR 15, 1880 and the Nutter with exactly the same, each having a total right for this acreage of 1.80/1.20 cfs.

Balance cfs for this right is probably 0.45/0.30 assuming proportionate share of each right to each canal. Right 11-0945 would then be 1.35/0.90 to each canal.

You read this mess → and see what you think!

Bob Sutter
Jan 4, 1990

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT

TRANSFERRED RIGHT NO. 619

THIS IS TO CERTIFY THAT GEORGE J. ESTERHOLDT, of Pegram, Idaho, is the owner of and using a certain water right described as .9 cubic foot per second dated, April 15th to July 1st, 1877, and .6 cubic foot per second from July 1st to September 30th, 1877; also 2.7 cubic feet per second dated, April 15th, 1880, and 1.8 cubic feet per second, from July 1st to September 30th, 1880, of the waters of Bear River, as decreed to JOSEPH ESTERHOLDT, by Judge Robert M. Terrell, of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of

PRESTON MONTPELIER IRRIGATION COMPANY vs. DINGLE

IRRIGATION COMPANY ET AL

SAID decree bearingdate of March 7, 1924, for the purpose irrigating the following described lands situate, lying and being in Water District No. 5, in the County of Bear Lake, State of Idaho, to-wit:

Beginning at a point on the south line of Section One (1) Township 15 South of Range 45 East of Boise Meridian, 225 feet west of the Southeast corner of Section 1 where the West line of the Oregon Short Line right-of-way intersects Section line, running thence West 1425 feet, thence North 2640 feet; thence East 330 feet; thence South 1225 feet; thence East 1320 feet; thence South 342 feet, more or less to intersection with West boundary line of the O.S.L. railway right-of-way; thence Southwesterly (S. 20° 45') 646 feet more or less to jog in right-of-way fence; thence Southeasterly at right angles 335 feet to right-of-way; thence Southwesterly along right-of-way fence 304 feet to place of beginning, containing in all sixty acres more or less. Together with all water rights thereunto belonging.

Also commencing at a point sixteen hundred fifty (1650) feet West from the Southeast corner of Section One (1) in Township fifteen (15) South of Range forty-five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet more or less, to the Southwest corner of the Southeast Quarter of Section One; thence North twenty six hundred and forty (2640) feet; thence East 990 feet; thence South 2640 feet to the place of beginning containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said lands.

MICROFILMED

THAT THE SAID DEGREE has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 4 of Decrees, at Page 650.

THAT THE SAID APPLICANT has become the owner of the said water right by the decree of the said Court.

THAT, NOW, UPON THE APPLICATION of the Said GEORGE J. ESTERHOLDT, of Pegram, Idaho, for a Certificate of 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 .9 second feet of the waters of BEAR RIVER, upon the lands above described is HEREBY ABANDONED and the lands to be irrigated under such right and to which the water right hereby confirmed shall become appurtenant by this Certificate for irrigation and domestic purposes, are described as follows:

> Beginning at a point on the Westerly bank of Bear River which lies East 252 feet from the 1/4 corner on the South line of Section 1, Township 15 South Range 45 E.B.M.; thence West on Section line 777 feet; thence Northeasterly 1659 feet; thence East 365 feet to the 1/4 Section line; thence North 981 feet to the center of Section 1, Township 15 South Range 45 E.B.M.; thence East 635 feet to the Westerly bank of Bear River; thence down the Westerly and Northerly bank of Bear River to the point of beginning, containing 60 acres more or less. All of the land being west of Bear River,

situated, lying and being in the County of Bear Lake, State of Idaho, and said water to be limited at any time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amount, to-wit:

> 0.9 cubic feet per second of the waters of Bear River with dates of priority of April 15, 1877 and April 15, 1880.

THAT THE WATER RIGHTS HEREBY transferred have been diverted from the Bear River at a point in the SE¼ of Section 31, Township 14 South, Range 46 E.B.M., and conducted to the lands first described through the Nuffer Ditch and will hereafter be diverted in the NW¼NW¼ Section 32, Township 14 South, Range 46 E.B.M., and will be conducted through the Miller Ditch to the lands last above described.

THAT THE LANDS to which this water right is being transferred by this Certificate already have appurtenant to them water rights for .3 cubic feet per second, with a priority of April 15, 1877.

THAT THE RIGHT to the use of the water aforesaid, hereby confirmed, is restricted to the lands or places of use specifically set forth in this transfer, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 26th day of March, 1941.

E. V. BERG
Commissioner of Reclamation

EXAMINED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE.

PRESTON-MONTPELIER IRRIGATION COMPANY, a corporation,

Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a corporation; Grimmett-Black Otter Irrigation Company, a corporation; Peg Leg Island Irrigation Company, a corporation; West Fork Irrigation Company, a corporation; Ream-Crockett Irrigation Company, a corporation; Pugmire Livestock & Land Company, a corporation; Continental Life Insurance Company, a corporation; Ole Transtrum; Carrie Hill; J.A.C.Nielson, John A. Jensen; Oren Quayle; Thomas Quayle; George Parker; Edw. LaRocco; John O. Miller; Ezra J. Phelps; George A. Sparks; Hyrum Esterholdt, and Joseph Esterholdt,

Defendants

DECREE

This cause came on regularly for trial on the 4th day of August, 1923, John A. Eagley, Esquire, and D. C. Kunz, Esquire, appearing as attorneys for the plaintiff Preston-Montpelier Irrigation Company, a corporation, and John A. Eagley, Esquire, appearing as attorney for Oren Quayle, Thomas Quayle, George Parker, Edw. LaRocco, John O. Miller, Ezra J. Phelps, and George A. Sparks, defendants and cross-complainants; and D. C. Kunz, Esquire, appearing as attorney for the Continental Life Insurance Company, a corporation, Ole Transtrum, Carry Hill, J. A. C. Nielson and John A. Jensen, defendants and cross-complainants; and A. B. Gough, Esquire, appearing as attorney for Dingle Irrigation Company, a corporation, Peg Leg Island Irrigation Company, a corporation, Grimmett Black Otter Irrigation Company, a corporation, and the Pugmire Livestock & Land Company, a corporation, defendants and cross-complainants; Ross A. Bates, Esquire, appearing as attorney for the Ream-Crockett Irrigation Company, a corporation, defendants and cross-complainants; and Jesse P. Rich, Esquire, appearing as attorney for the West Fork Irrigation Company, a corporation, defendants and cross-complainantsand Darwin Haddock, Esquire, appearing as attorney for Hyrum Esterholdt and Joseph Esterholdt, defendants and cross-complainants. Whereupon, the respective parties proceeded to negotiate a settlement and adjustment of the issues raised by the complain-

MICROFILMED

JOSEPH ESTENHOLDT:

1877- April 15th, What is designated in this decree as a "Meadow Right".
April 15th - July 1st .9 cubic feet per second
July 1st - September 30th, .6 cubic feet per second

1880- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st 2.7 cubic feet per second.
July 1st - September 30th, 1.8 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller ditch, the point of diversion of whihh is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 45 East of the Boise Meridian; and water for 105 acres of the following described land being diverted from Bear River by means of the Huffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian intersects Bear River; said water to be used on a total of 120 acres of land, described as follows, to-wit:

Beginning at a point on the South line of Section one (1) Township fifteen (15) South of Range fort -five (45) East of Boise Meridian, 225 feet West of the Southeast corner of Section one (1) where the West line of Oregon Short Line right-of-way intersects section line, running thence West 1425 feet; thence North 2640 feet; Thence East 330 feet; Thence South 1225 feet; Thence East 1320 feet; Thence South 342 feet, more or less to intersection with West boundary line of the O. S. L. Railway right-of-way; thence Southwesterly (S.20 degrees 45') 646 feet. more or less, to jog in right-of-way fence; thence Southeasterly at right angles 335 feet to right-of-way; thence Southwesterly along right-of-way fence 304 feet to place of beginning, containing in all sixty acres more or less.
Together with all water rights thereunto belonging.

Also, commencing at a point sixteen hundred and fifty (1650) feet West from the Southeast corner of Section one (1), in Township fifteen (15) South of Range forty-five (45) East of the Boise meridian and running thence West nine hundred and ninety (990) feet, more or less, to the Southwest corner of the Southeast Quarter of said Section one; thence North twenty-six hundred and forty (2640) feet; thence East nine hundred and ninety (990) feet; thence South twenty-six hundred and forty (2640) feet to the place of beginning and containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said land.

PETER J. HELLER:

1877- April 15th, What is designated in this decree as a "Meadow Right".
April 15th - July 1st, 4.8 cubic feet per second.
July 1st - September 30th, 3.2 cubic feet per second.

1885- April 15th, What is designated in this decree as an "Agricultural Right". 2 cubic feet per second.

All of said water to be diverted from Bear River, at a point described as follows:

and to be used on 260 acres of land, described as follows, to-wit:

The N½SE¼, S½ and NW¼NE¼ of Section 23, T. 14 S. R. 45 East Boise Meridian.

And that part of W½NW¼ and NE¼SW¼, of Section 23, that lies North and East of the Old West channel of Bear River.

And that part NW¼SW¼, SW¼NW¼, Sec. 24, NE¼NE¼, Sec. 33, and SE¼SE¼ Sec. 14, T. 13 S. R. 45 E. B. M. which lies West of the Phelps Canal and below said canal.

Containing in all 260 acres and all being in Bear Lake County, State of Idaho.

MICROFILMED

MEMORANDUM

Date: September 27, 2001

To: WR File Nos. 11-944 and 11-945

From: Jeff Peppersack

Re: Transfer No. 619

The purpose of this memo is to attempt to clarify the change resulting from the approval of Transfer No. 619. Water Right Nos. 11-944 and 11-945 were decreed in the case Preston-Montpelier Irrigation Company. vs. Dingle Irrigation Company, et al., dated March 7, 1924. The water rights were decreed to two parcels of land totaling 120 acres as shown on the attached illustration.

The decree indicates that 15 acres were irrigated from the Miller Ditch and the remaining 105 acres were irrigated from the Nuffer Ditch. This appears to be incorrect, since there are more than 15 acres of the decreed parcels lying west of the Bear River, which could not have been irrigated from the Nuffer Ditch located on the east side of the Bear River. Transfer No. 619, filed by George J. Esterholdt (same person as decree owner – Joseph Esterholdt) was an attempt to correct the situation, but the approval did not completely resolve the problem.

Information in the file indicates that, at the time of the transfer, the east 60 acres of the decreed parcels was owned by someone other than Joseph Esterholdt. The transfer applicant only owned the west 60-acre parcel and some adjacent land to the west. This would indicate that the applicant only had ½ of the original decreed rights to transfer or 0.45/0.30 cfs of 11-944 and 1.35/0.90 cfs of 11-945.

Based on correspondence in the file, it is clear that the intent of the transfer was to allow water from the Miller Ditch to irrigate 60 acres west of the Bear River and water from the Nuffer ditch to irrigate 60 acres east of the Bear River. Since the decree already provided for 15 acres from the Miller ditch, the transfer should have moved water for 45 acres from the Nuffer Ditch to the Miller Ditch. Unfortunately, the transfer approval did not recognize that the rights were decreed for a maximum of 1.5" of water per acre of land. The approval only authorized the transfer of 0.9 cfs (45") rather than 1.35 cfs. This left 0.45 cfs on the portion of the west decreed parcel lying east of the Bear River.

Water Right Nos. 11-944 and 11-945 should eventually be split if a change in ownership and documentation are submitted in the future to reflect the two decreed parcels. For purposes of water right numbering and data entry, I see no reason to separate the transferred place of use from the west 60-acre decreed parcel since both were owned by the applicant and both still have portions of the

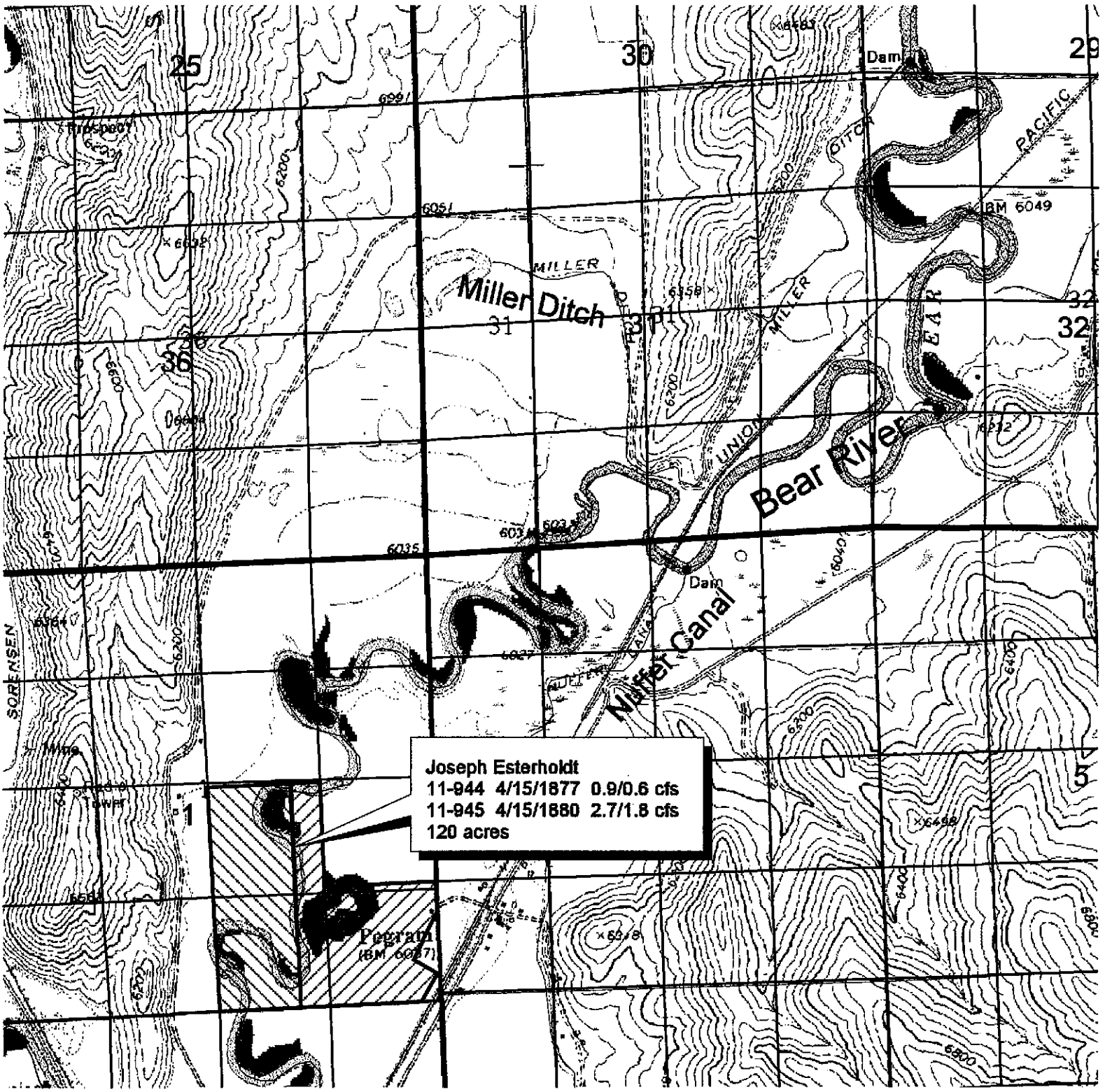
same two water rights. Future notice of ownership changes or transfer applications related to these rights may warrant further splitting.

The results of the transfer are as follows for each right:

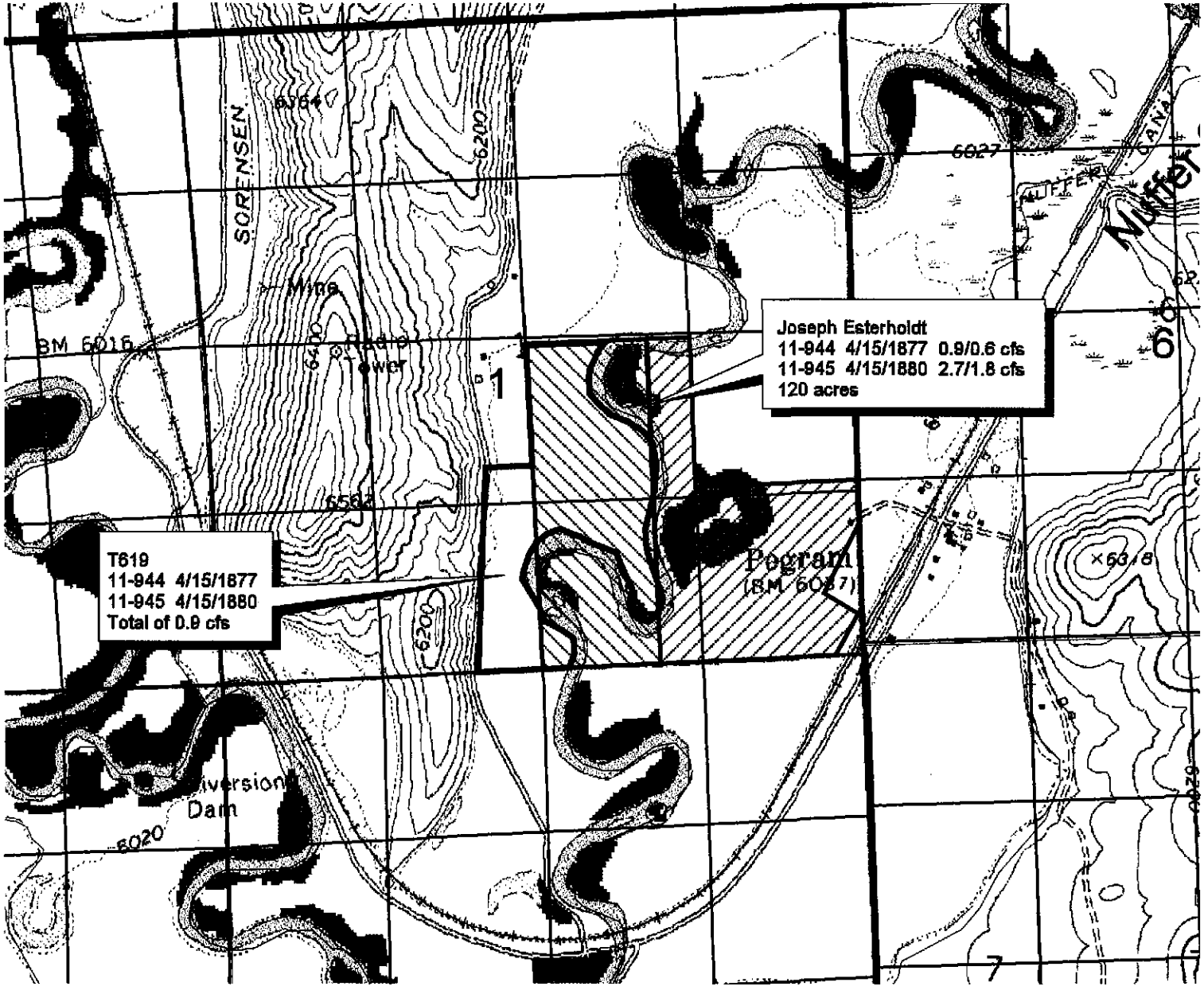
East 60 Acres of Decreed Parcels
11-944 0.45/0.30 cfs from Nuffer Ditch
11-945 1.35/0.90 cfs from Nuffer Ditch
POU is T15S R45E Sec. 1 SE1/4 for 60 acres

West 60 Acres of Decreed Parcels and Transferred POU
11-944 0.45/0.30 cfs from Miller Ditch and Nuffer Ditch
11-945 1.35/0.90 cfs from Miller Ditch and Nuffer Ditch
POU is T15S R45E Sec. 1 NWSE, SWSE, NESW, and SESW

WR Decree Nos. 11-944 and 11-945



Transfer No. 619



May 9, 1941.

Re: Transfer 619.

Mr. E. J. Baird
Watermaster Dist. No. 5
Soda Springs, Idaho

Dear Mr. Baird: Geo. J. Esterholt.

We received a letter from Mr. Geo. J. Esterholt regarding his transfer from the Nuffer Ditch to the Miller Ditch. Transfer No. 619 shows that 45" or .9 c.f.s. were transferred from the Nuffer Ditch to the Miller Ditch in addition to the 15 " or .3 c. f. s. that was previously in the Miller Ditch thus making Mr. Esterholdt entitled to 60" or 1.2 c. f. s. in the Miller Ditch.

You will be governed by transfer No. 619 and turn 60" or 1.6 c.f.s. through the Miller Ditch to Mr. Esterholt.

Enclosed you will find certificate of appointment for deputy watermaster which you verbally requested Mr. Berg to send you.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation

BY: R. E. POWELL
State Water Supervisor.

REP:ml.

May 9, 1941

Re: Transfer No. 619

Mr. Geo. J. Esterholt
Pegram, Idaho

Dear Mr. Esterholt:

We are issuing instrucutions, today, to Mr. E. J. Baird, watermaster of Dist. #5, to turn a total of 60" through the Miller Ditch. We notified him of the transfer of 45" from the Nuffer Ditch to the Miller Ditch.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

BY: R. E. POWELL
State Water Supervisor.

REP:ml.

ENDORSED

WS #5

RECEIVED
MAY 6 1941
Department of Reclamation

Pegram Idaho
May 2 1941

Mr E V Berg

Dear Mr Berg.
received the decree & thanks a Lot would you P S Natie fix the water Master Mr Beard at Soda Springs to turn my water in the Miller ditch he has turned it in & wont with out instructions from you may I know your answer soon & thanks a Lot

Yours Respect
George J Esterholdt
Pegram
Idaho

MICROFILMED

50,000
40,000 U.S. Bureau Reclam.
10,000
Jean 7,500 76,000 U.S.G.S.
~~Hyatt~~ 2,500 7,500
1,000 35,500
1,500 1,000

March 26, 1941

Mr. George J. Esterholdt
Pingree, Idaho

Dear Mr. Esterholdt:

We received your petition asking for a change in point of diversion for your waters on the west side of Bear River along with all papers pertaining thereto.

I have examined them and they appear to be correct and have, therefore, issued this Certificate of water right, transferring 45 inches or .9 of a second foot from the Buffer Ditch to the Miller Ditch. The .9 plus the .3 cubic foot already in the Miller Ditch will make a legal right of 1.2 or 60 miners inches in the Miller Ditch and leaving the balance of 60 inches in the Buffer Ditch.

I hope this will be satisfactory to you and that the matter of this transfer is now closed.

Very truly yours,

E. V. ERRO
Commissioner of Reclamation

EVB:dbj
Encl.

MICROFILMED

RECEIVED
MAR 21 1941
Department of Reclamation

Pegram Idaho
March 16 1941

Mr E. V. Berg.

Dear Mr Berg.
You will finde inclored the Two afodavids of each Conall. as they under stand the Situshen (Situation) of the Land & water also the Miller ditch will pack 3 Times it is decreed for all ayrd ground it waters the Conall is recorded for — 3 Ft deep & Twelve Ft wide for about 4 miles of ayrley aregated I am sending you all of the Papers — Yours Respect

Geo J Esterholdt

1940 NOTICE OF TAXES DUE—1940 No. [redacted]08

BEAR LAKE COUNTY, IDAHO

Page 335 PARIS, IDAHO, 19

RECEIVED OF N. C. Esterholdt
c/o Joseph Esterholdt

Whose postoffice address is Perrin, Idaho

DOLLARS

the full amount of all State, County, City, Village, School, Road and other taxes for the year 1940, due upon the following described property as shown by the Assessment Roll of said County for said year, to-wit:

Deputy. Tax Collector.

PERSONAL CHECKS ACCEPTED SUBJECT TO BANK CLEARANCE

ALL REAL PROPERTY DESCRIBED IS IN SOUTH RANGE, EAST OF BOISE MERIDIAN

Subdivision Addition	Sec.	Twp.	Range Lot	Acres Block	Value	Val. Imp.	Total Val.
SE SW	1	15	45	40	125	50	
S½ NE SW	1	15	45	20	45		220

Miller Ditch West side of River

[redacted]

1940 NOTICE OF TAXES DUE—1940 No. 2010

BEAR LAKE COUNTY, IDAHO

Page 125 PARIS, IDAHO, 19

RECEIVED OF Richard Sletzt
c/o Joseph Osterholdt

Whose postoffice address is Logan, Idaho

DOLLARS
the full amount of all State, County, City, Village, School, Road and other taxes for the year 1940, due upon the following described property as shown by the Assessment Roll of said County for said year, to-wit:

- Deputy. Tax Collector.

PERSONAL CHECKS ACCEPTED SUBJECT TO BANK CLEARANCE

ALL REAL PROPERTY DESCRIBED IS IN SOUTH RANGE, EAST OF BOISE MERIDIAN

Subdivision Addition	Sec.	Twp.	Range Lot	Acres Block	Value	Val. Imp.	Total Val.
97 10 157							
Frac. W½ SE T-2552	1	15	45	60	300		300
Miller Ditch West side River							

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

JAMES SPOFFORD, COMMISSIONER

BOISE

C. A. BOTTOLFSEN, GOVERNOR

HARRY DEWEY
DEPUTY COMMISSIONER

DEC
MAR 21 1941
Department of Reclamation

December 4, 1940.

Mr. George J. Esterholdt,
Pegram, Idaho.

Dear Mr. Esterholdt:

We are in receipt of your letter of December 2, in which you enclosed Notices of Taxes Due-1940.

We have examined the Tax Notices and find that the lands described on them is as follows:

Frac. West Half of the Southeast Quarter T-2552 of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres.

Also;
Seutheast Quarter of the Southwest Quarter, and the South Half of the Northeast Quarter of the Southwest Quarter of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres.

We have also examined the decree, and find that the lands described under the Water Right of Joseph Esterholdt are in part as the above described lands, that is Frac. West half of the Southeast Quarter of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres, but do not include the Southeast Quarter of the Southwest Quarter and the South Half of the Northeast Quarter of the Southwest quarter, containing 60 acres, of Section 1, of the above Township and Range. The other 60 acres described in the decree are East of the first mentioned 60 acres, but the Tax Notice describes a 60 acre tract West off the first mentioned 60 acres, not covered by the Joseph Esterholdt Water Right. It is therefore evident that a change in point of diversion is not necessary, AS THERE IS NO RECORD OF A TRANSFER OF WATER RIGHT FOR THESE LANDS.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By O.D.BECKER
Supervisor of Water Distribution

cc: Baird, E.J.
W. Smith Hoge.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
JAMES SPOFFORD, COMMISSIONER
BOISE

HARRY DEWEY
DEPUTY COMMISSIONER

C. A. BOTTOLFSEN, GOVERNOR

December 17, 1940.

Mr. George J. Esterholdt,
Pegram, Idaho.

Dear Mr. Esterholdt:

We are in receipt of your letter dated December 17, in regard to your water right.

In looking over our letter to you dated December 4, we note that we wrote you that the portion of lands described as the SE¼SW¼ and the S½NE¼SW¼ of Section 1, Township 15 South, Range 45 East Boise Meridian, as described by your Tax notice was not shown under the Joseph Esterholdt decree. In studying the decree, we notice that the above described lands are shown under the Hyrum Esterholdt decree, that is the above described lands constitute a portion of the Hyrum Esterholdt lands. The water right for the Hyrum Esterholdt decree are described as follows:

1877 - April 15th. what is designated in this decree as a "Meadow Right". -April 15th. - July 1st. 1.2 Cubic ft per second.

July 1st.-Sept. 30th .8 cubic ft. per second.

1880-April 15th. what is designated in this decree as a "Meadow Right". April 15th. -July 1st. 3.68 cubic ft.per second.
July 1st -Sept 30th. 2.45 cubic feet per second.

1885-April 15th. What is designated in this decree as an "Agricultural Right". .4 cubic feet per second.

All of said waters to be used on 183 acres, and to be diverted from the Miller Ditch. The lands above described are a portion of the 183 acres.

(In view of the above it therefor appears that you now own a portion of the Hyrum Esterholdt lands and since we find no transfer of a water right from such lands, you no doubt also own a water right for such lands, and as this water is to be diverted into the Miller Ditch, everything seems to be in order. We trust that you will find it so.)

Very truly yours,
JAMES SPOFFORD
Commissioner of Reclamation

O. D. Becker

By O.D.BECKER
Supervisor of Water Distribution

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
JAMES SPOFFORD, COMMISSIONER
BOISE

C. A. BOTTOLFSEN, GOVERNOR

HARRY DEWEY
DEPUTY COMMISSIONER

December 2, 1940.

Mr. W. Smith Hoge, Manager,
Bear Lake County Abstract Co.,
Paris, Idaho.

Dear Mr. Hoge:

We are in receipt of your letter of November 14, in regard to Affidavit for change of point of diversion of the Water Right of George J. Esterholdt of Pegram, Idaho.

With the letter we also received in duplicate Afficavits for Change of Point of Diversion of Decreed Water Right with sketch maps, also Consent to transfer Water Rights from the Nuffer ditch to the Miller ditch.

(Since receipt of the above mentioned, we have written to Mr. E.J.Baird, Watermaster of Bear River, at Soda Springs, who has made an examination or inspection of the lands and ditches in question, and Mr. Baird states as follows: "From a casual inspection of the lands in question, and from inquiries of several old residents there who know the lands well, it appears that the division of the lands as set forth in the decree was about right, that is, 15 acres to be watered from the Miller Ditch and 105 acres from the Nuffer Ditch." Mr. Baird states further that at the present time one Virgil Miller owns the easterly parcel of land which is divided as shown by your sketch into two 60 acre tracts (that is, all of the land in question is divided as above stated) and Mr. Esterholdt owning the westerly 60 acres. Mr. Baird states further that the sketch map is in error in showing that the river divides the easterly parcel of land, and that it actually swings farther West dividing the westerly parcel of land. In view of the conflicting statement and sketch map, we must ask for a map made from an actual survey by a competent engineer, ofthe lands in question showing the course of the river and the acreage on each side of the river. It also appears then that Mr. Esterholdt is attempting to change the point of diversion of a portion of water right that he no longer owns, and we feel that this can only be done by the owner of the water right. In fact if conditions exist as stated by Mr. Baird, there would be no necessity for a change of point of diversion, and we are therefor returning the two Affidavits with maps, and also the consent of the users of the Miller and Nuffer ditches, so that they might be corrected to conform with actual conditions.)

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By O.D.BECKER
Supervisor of Water Distribution

CC: Baird
Esterholdt.

RECEIVED

December 4, 1940.

Mr. George J. Esterholdt,
Pegram, Idaho.

Dear Mr. Esterholdt:

We are in receipt of your letter of December 2, in which you enclosed Notices of Taxes Due-1940.

We have examined the Tax Notices and find that the lands described on them is as follows:

Frac. West Half of the Southeast Quarter T-2552 of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres.

Also;
Southeast Quarter of the Southwest Quarter, and the South Half of the Northeast Quarter of the Southwest Quarter of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres.

We have also examined the decree, and find that the lands described under the Water Right of Joseph Esterholdt are in part as the above described lands, that is Frac. West half of the Southeast Quarter of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres, but do not include the Southeast Quarter of the Southwest Quarter and the South Half of the Northeast Quarter of the Southwest quarter, containing 60 acres, of Section 1, of the above Township and Range. The other 60 acres described in the decree are East of the first mentioned 60 acres, but the Tax Notice describes a 60 acre tract West of the first mentioned 60 acres, not covered by the Joseph Esterholdt Water Right. It is therefore evident that a change in point of diversion is not necessary, AS THERE IS NO RECORD OF A TRANSFER OF WATER RIGHT FOR THESE LANDS.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By O.D. FISHER
Supervisor of Water Distribution

cc: Baird, L.J.
W. Smith Hope.

1877-April 15th- What is designated in this decree as a "Meadow Right":

April 15th-- July 1st .9 cubic feet per second.
July 1st-Sept. 30th .6 cubic feet per second.

1880-April 15th, What is designated in this decree as a "Meadow Right."

April 15th-July 1st 2.7 Cubic feet per second.
July 1st-Sept. 30th 1.8 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 46 East of the Boise Meridian; and water for 105 acres of the following described land being diverted from Bear River by means of the Nuffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31 Township 14 South, Range 46 East of Boise Meridian intersects Bear River; said water to be used on a total of 120 acres of land described as follows:

Beginning at a point on the south line of Section One (1) Township 15 South of Range 45 East of Boise Meridian, 225 feet west [redacted]ion 1 where the West line of the Oregon [redacted]cts Section line, running thence West [redacted]et; thence East 330 feet; thence South [redacted]t; thence South 342 feet, more or less [redacted]ary line of the O. S. L. railway right-of-way; thence Southwesterly (S. 20° 45') 646 feet more or less to jog in right-of-way fence; thence Southeasterly at right angles 335 feet to right-of-way; thence Southwesterly along right of way fence 304 feet to place of beginning, containing in all sixty acres more or less. Together with all water rights thereunto belonging.

Also commencing at a point sixteen hundred fifty (1650) feet West from the Southeast corner of Section One (1) in Township fifteen (15) South of Range forty-five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet more or less, to the Southwest corner of the Southeast Quarter of Section One; thence North twenty six hundred and forty (2640) feet; thence East 990 feet; thence South 2640 feet to the place of beginning containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said lands."

MICROFILMED

Form 13-A

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,
County of BEAR LAKE } ss.

GEORGE J. ESTERHOLDT, being first duly sworn, deposes and says: That his postoffice address is PEGRAM, IDAHO; That he is the owner of and using a certain water right, bearing date of priority of 1877 and 1880, 19..., for 3.30 cubic feet per second of the waters of Bear River, County of Bear Lake, State of Idaho, decreed to JOSEPH ESTERHOLDT, by decree of Judge Robert M. Terrell, of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of Preston-Montpelier Irrigation Company vs Dingle Irrg. Co. a corp. et al., said decree bearing date of March 7, 1924, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. ..., in the County of Bear Lake, and State of Idaho, to wit: [redacted]

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: George Esterholdt, George J. Esterholdt, and Joseph Esterholdt, are all one and the same person.

That said waters are now/supposed to be diverted from said stream in the SW ¼ SE ¼ of Sec. 31, Twp. 14 S., Range 46, and conducted to the above described lands through the NUFFER ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in NW ¼ of NW¼ ¼, Sec. 32, Twp. 14 S., Range 46 E.B.M. and thereafter conduct same to the above described land through the Miller ditch, as per map above referred to:

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

Land to which water was decreed is located on West side of Bear River and Oregon Short Line Railroad right-of-way and the Nupher Ditch, from which the water was to be taken, is located on the East side of Bear River and said Railroad,

That no one will be injured by such change and that such change will be made at affiant's own risk.

George J. Esterholdt
Affiant.

Subscribed and sworn to before me this 3rd day of June, 19 40.

Notary Public.

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.

Bear Lake County Abstract Company

PARIS, IDAHO

PLAT OF LAND BELONGING TO Joseph ESTERHOLDT.

SCALE: 1 inch = 20 chains

Abstract No. Sheet No.

TWP. 14 S.R. 45 E. B. M.

Point of diversion of Miller Ditch is about 660 yards East of NE Corner of Sec. 31 - T. 14 S.R. 46 E.B.M.

MILLER DITCH IS ON West side of Bear River

36

31

Point of diversion of Nuffer Ditch at or near a point where South line of SE¼ of Sec. 31 T. 14 S.R. 46 intersects Bear River

TWP. 15 S. R. 45 E. B. M.

T. 15 - 46 E.B.M.

Nuffer Ditch is on East side of River

FILMED

miller Ditch

CONSENT TO TRANSFER OF WATER.

We the undersigned, owners and users of water from, the Zupder-Miller Ditch, out of Bear River, in Bear Lake County, Idaho, hereby consent to transfer of water decreed to Joseph Esterholdt, also known and George J. Esterholdt, from the Neupher Ditch out of said Bear River, into our said Zupder-Miller Ditch, due to the fact that his land is located on the West side of Bear River and can only be irrigated from our Ditch, and the Neupher Ditch is located on the East side of said River.
Dated June 3rd 1940.

WITNESSES;

Edwin K. Sparks

Mrs Susie Sparks

Cleone Rigby

OWNERS:

Hyrum Esterholdt & Son Sons

W. S. Lloyd

Ivan K Rigby

MICROFILMED

STER.1

Neupher Ditch

CONSENT TO TRANSFER WATER.

We the undersigned, owners and users of water from the ~~Neupher~~ Neffer Ditch, out of Bear River, hereby consent to transfer of water as decreed to Joseph Esterholdt, also known as George J. Esterholdt, from the said Ditch to the Miller Ditch on the West side of Bear River, said ditch is also known as the "ZUPDER-MILLER DITCH", said change being consented to, due to the fact that the Neupher Ditch is on EAST side of Bear River and the Zupder-Miller Ditch is on WEST side of said river, and the land belonging to said George J. Esterholdt, is also on the west side of said river and irrigated from the Zupder-Miller Ditch.

Dated this 3rd day of June, 1940.

WITNESSES: OWNERS:

MICROFILMED

1877-April 15th- What is designated in this decree as a "Meadow Right":

April 15th-- July 1st .9 cubic feet per second.
July 1st-Sept. 30th .6 cubic feet per second.

1880-April 15th, What is designated in this decree as a "Meadow Right."

April 15th-July 1st 2.7 Cubic feet per second.
July 1st-Sept. 30th 1.8 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 46 East of the Boise Meridian; and water for 105 acres of the following described land being diverted from Bear River by means of the Nuffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31 Township 14 South, Range 46 East of Boise Meridian intersects Bear River; said water to be used on a total of 120 acres of land described as follows:

Beginning at a point on the south line of Section One (1) Township 15 South of Range 45 East of Boise Meridian, 225 feet west of the Southeast corner of Section 1 where the West line of the Oregon Short Line right-of-way intersects Section line, running thence West 1425 feet, thence North 2640 feet; thence East 330 feet; thence South 1225 feet; thence East 1320 feet; thence South 342 feet, more or less to intersection with West boundary line of the O. S. L. railway right-of-way; thence Southwesterly (S. 20° 45') 646 feet more or less to jog in right-of-way fence; thence Southeasterly at right angles 335 feet to right-of-way; thence Southwesterly along right of way fence 304 feet to place of beginning, containing in all sixty acres more or less. Together with all water rights thereunto belonging.

Also commencing at a point sixteen hundred fifty (1650) feet West from the Southeast corner of Section One (1) in Township fifteen (15) South of Range forty-five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet more or less, to the Southwest corner of the Southeast Quarter of Section One; thence North twenty six hundred and forty (2640) feet; thence East 990 feet; thence South 2640 feet to the place of beginning containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said lands."

Form 13-A

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,
County of BEAR LAKE } ss.

GEORGE S. ESTERHOLDT, being first duly sworn, deposes and says: That his postoffice address is PRESTON, IDAHO; That he is the owner of and using a certain water right, bearing date of priority of 1877 and 1880, 19..., for 3.30 cubic feet per second of the waters of Bear River, County of Bear Lake, State of Idaho, decreed to JOSEPH ESTERHOLDT, by decree of Judge Robert M. Terrell, of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of Preston-Montpelier Irrigation Company vs Single Irrg. Co. a corp. et al, said decree bearing date of [redacted], for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No..., in the County of Bear Lake, and State of Idaho,

[redacted]

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: George Esterholdt, George S. Esterholdt, and Joseph Esterholdt, are all one and the same person.

That said waters are now diverted from said stream in the ...¼ ...¼ of Sec. 31, Twp. 14 S., Range 43 E., and conducted to the above described lands through the ...ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in ...¼ of ...¼, Sec. ..., Twp. 14 S., Range 43 E.B.M. and thereafter conduct same to the above described land through the Miller ditch, as per map above referred to:

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

Land to which water was decreed is located on West side of Bear River and Oregon Short Line Railroad right-of-way and the Kupher Ditch, from which the water was to be taken, is located on the East side of Bear River and said Railroad.

That no one will be injured by such change and that such change will be made at affiant's own risk.

George S. Esterholdt
Affiant.

Subscribed and sworn to before me this 3rd day of June, 19 40.

[signature]
Notary Public.

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.

Bear Lake County Abstract Company

PARIS, IDAHO

PLAT OF LAND BELONGING TO Joseph Esterholdt

SCALE: 1 inch = 20 chains

Abstract No. TWP. 14 S. R. 45 E. B. M. Sheet No.

Point of diversion of Miller Ditch is about 150 yards East of NE Corner of Sec 31, T. 14 S. R. 46 E. B. M.

MILLER Ditch IS ON West side of Bear River.

36

31

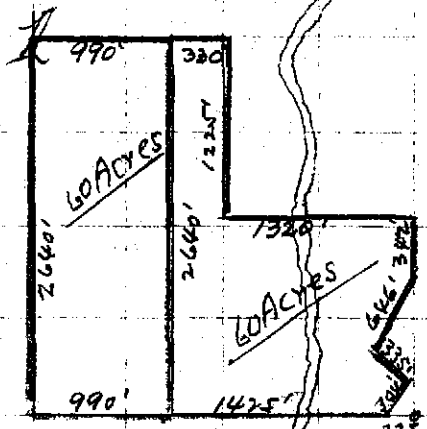
Point of diversion of Nuffer Ditch at or near a point where South line of SE¼ of Sec. 31, T. 14 S. R. 46 E. B. M. intersects Bear River.

TWP. 15 S. R. 45 E. B. M.

T. 15 S. R. 46 E. B. M.

6

Nuffer Ditch is on East side of River.



CONSENT TO TRANSFER OF WATER.

We the undersigned, owners and users of water from, the Zupder-Miller Ditch, out of Bear River, in Bear Lake County, Idaho, hereby consent to transfer of water decreed to Joseph Esterholdt, also known and George J. Esterholdt, from the Neupher Ditch out of said Bear River, into our said Zupder-Miller Ditch, due to the fact that his land is located on the West side of Bear River and can only be irrigated from our Ditch, and the Neupher Ditch is located on the East side of said River.

Dated June 3rd 1940.

WITNESSES;

OWNERS:

CONSENT TO TRANSFER WATER.

We the undersigned, owners and users of water from the Neupher Ruffer Ditch, out of Bear River, hereby consent to transfer of water as decreed to Joseph Esterholdt, also known as George J. Esterholdt, from the said Ditch to the Miller Ditch on the West side of Bear River, said ditch is also known as the "ZUPDER-MILLER DITCH", said change being consented to, due to the fact that the Neupher Ditch is on EAST side of Bear River and the Zupder-Miller Ditch is on WEST side of said river, and the land belonging to said George J. Esterholdt, is also on the west side of said river and irrigated from the Zupder-Miller Ditch.

Dated this 3rd day of June, 1940.

WITNESSES: OWNERS:

_____

_____

_____

_____

_____

_____

_____

_____

_____

March 5, 1941

Mr. George Joseph Esterholdt
Pegram, Idaho

Dear Mr. Esterholdt:

I received your recent letter along with a map containing the surveyor's affadavit.

You mentioned something in your letter about Indian rights. It is impossible for us to trace this Indian right.

I looked up the decree and found that you have a decree, dated 1877 in which the 105 inches were decreed in the Muffer Ditch and 15 in the Miller Ditch. It as much as there appears to be a total of 120 inches decreed to you, it would seem that it is only a matter of getting a transfer of 45 inches of water from the Muffer Ditch into the Miller Ditch, making a total of 60 inches in each ditch.

If you have a statement of all the owners in the Miller Ditch, agreeing to this transfer of 45 inches, I believe this is all that would be necessary.

You state in your letter that you have these affadavits and if you will send them to this office, I think we would agree to give you the transfer. This means, however, that you must have the names of all the owners in connection with the Miller Ditch. Further, you must show that the Miller Ditch is of sufficient size to carry your additional 45 inches of water added to the water the ditch already is entitled to carry.

Very truly yours,

MAILED

E. V. BERG
Commissioner of Reclamation

EVB:dbj

MICROFILMED

RECEIVED
FEB 5 1941
Department of Reclamation

Pegram Idaho
Feb 24 1941

Mr E A Berg.

Dear Mr Berg

after a long weight on the surveys & pictures I have got the Complete Maps. the Two Places has no water decree. You will note there is 62 acres all west of the river I am sending you the tax values of 1940. I can give you records back to 1919 when it was surveyed & Purchered. I am sending you the Maps of mine hereafter & you I would like to ask a few Questions in regards to rights I due not under stand why they juggled my water over

in the Nuffer ditch I also have the afadavids in Paris Idaho to transfer the water from one to the other all signed up by both ditches Mr Smith Hodge has them & he will send them to you on request from Paris Idaho- the questions is where is the water to be devided To me - how much agenture right I am right on the end of the ditch My rights if the Law will give it to me is a Indian right recorded in Washington in 1873 by the name of Zyl Snyder Are Company a Man Come out here from Washington & Put me on the National oregation Chanel Sourse & all Compleate know is this

FILMED

rights any good I note the two states Idoho & wyoming are trying to Prove their Prioriety rights I dus not know what rights the Courts has- ruled. The man that Come out from Washington told me I had a right that Colden fe feat he also showed me fy Map the Miller ditch & the Indian natural oregation chonel also later looked up to the Miller ditch he had writen seruls Letters to the Zuylfder. are Co but had recived no answer. You will also note the miller decree - Calling for 21 feet of water agon 1,650 acres of apuley orogated ground the facts it is hard for me to get my amount of Water when.

Water is Plenty you will note my Map of the indian natural oregation is the red lines abo his house T abo the whitemans house before the rail road went threw - But Mr Berg all I want is what is right & Law what ever the Corts hav ruled is O K with me only I want my right amount of water & Land as they under oregon then I have oregated this Land my Personel self since 1912 - Your most Respet

George Joseph Esterholdt

MICROFILMED

PS the 14.60 acres on the Entride of the river Connot be oregated at no Price T never has had a ditch on it G.J.E.

Pegram, Idaho
February 24, 1941.

Mr. E. V. Berg

Dear Mr. Berg:

After a long wait on the surveyor and sickness, I have the complete maps. The two places have no water decree. You will note that there (is) are 62 acres --all west of the river.

I'm inclosing the tax notices for 1940, can also furnish receipts back to 1919 when it was surveyed and purchased. I'm sending you the maps of my surveyor and yours. I would like to ask a few questions in regards to rights. I do not understand why they juggled my water over into the Nuffer ditch. I also have the affidavits in Paris, Idaho, to transfer the water from one to the other, all signed up by both ditches. Mr. Smith Hodge has them and he will send them to you on request from Paris, Idaho. The question is--where is the water to be divided to me. How much agriculture right? I am right on the end of the ditch. My rights if the law will give it to me is an Indian right, recorded in Washington in 1873 by the name of Zyufder Ave (Irr) Company. A man came out here from Washington and put me on the natural irrigation channel and all complete. Now, is this right any good? I note the two states-Idaho and Wyoming-are trying to prowe their priority rights. I do not know what rights the courts have ruled. The man that came out from Washington told me I had a right that couldn't be defeated. He also showed me by the map that the Miller ditch and the Indian Natural Irrigation channel. Also later hooked up to the Miller ditch. He has written several letters to the Zydfder Ave (Irr) Co., but has received no answer. You will also note that the Miller decree--calling for 21 feet of water against 158 acres of actually irrigated ground. The fact is, it is hard for me to get my amount of water. When water is plentiful, you will note my map of the Indian Natural(Aregation) Irrigation is the red line also his house and the Whitmore house before the railroad went through. But Mr. Berg, all I want is what is right #### by law. Whatever the courts have ruled is OK with me. Only I want my right amount of water and land actually under irrigation. I have irrigated this land, my personal self, since 1917.

Yours most respectfully,

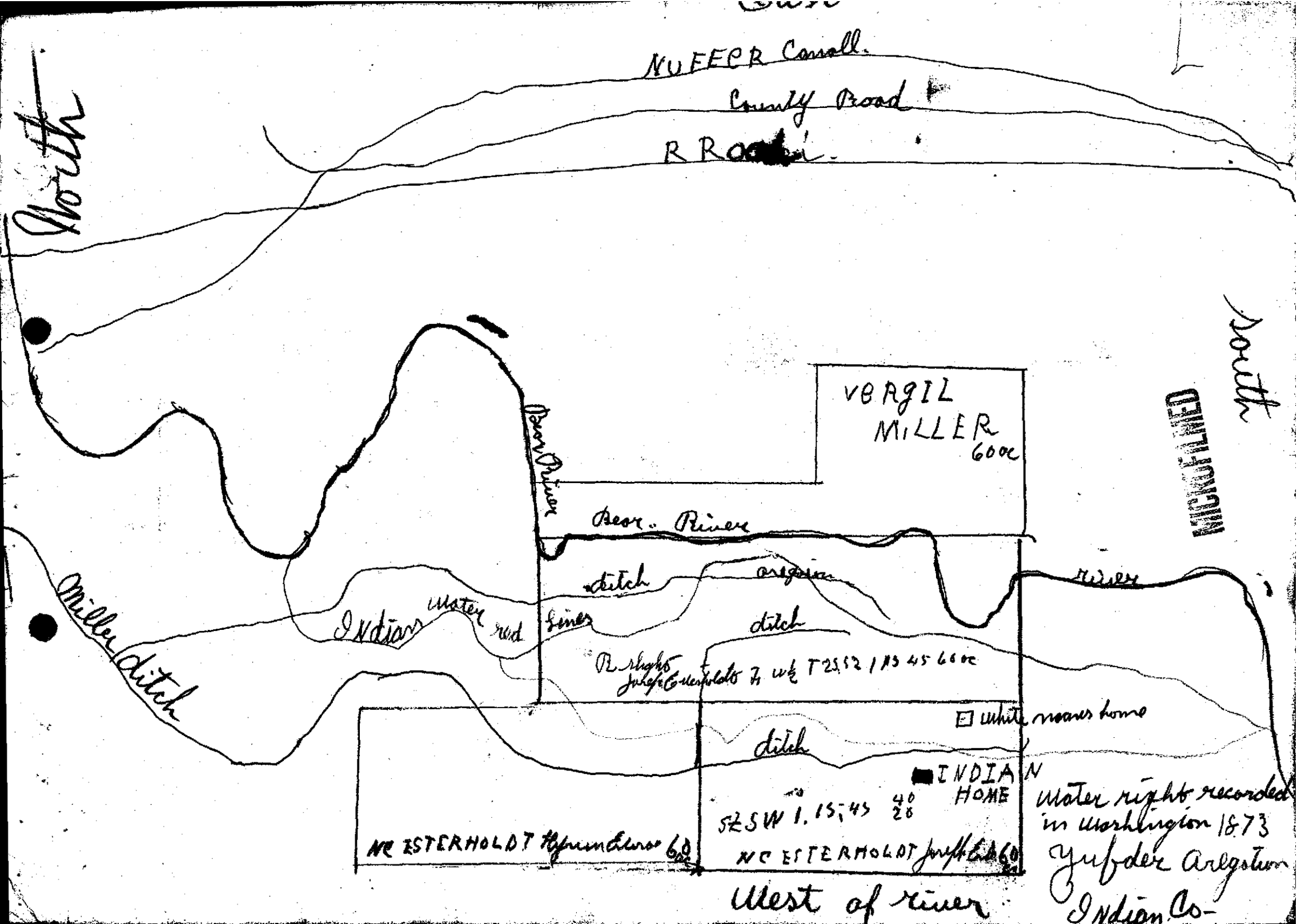
George Joseph Esterholdt.

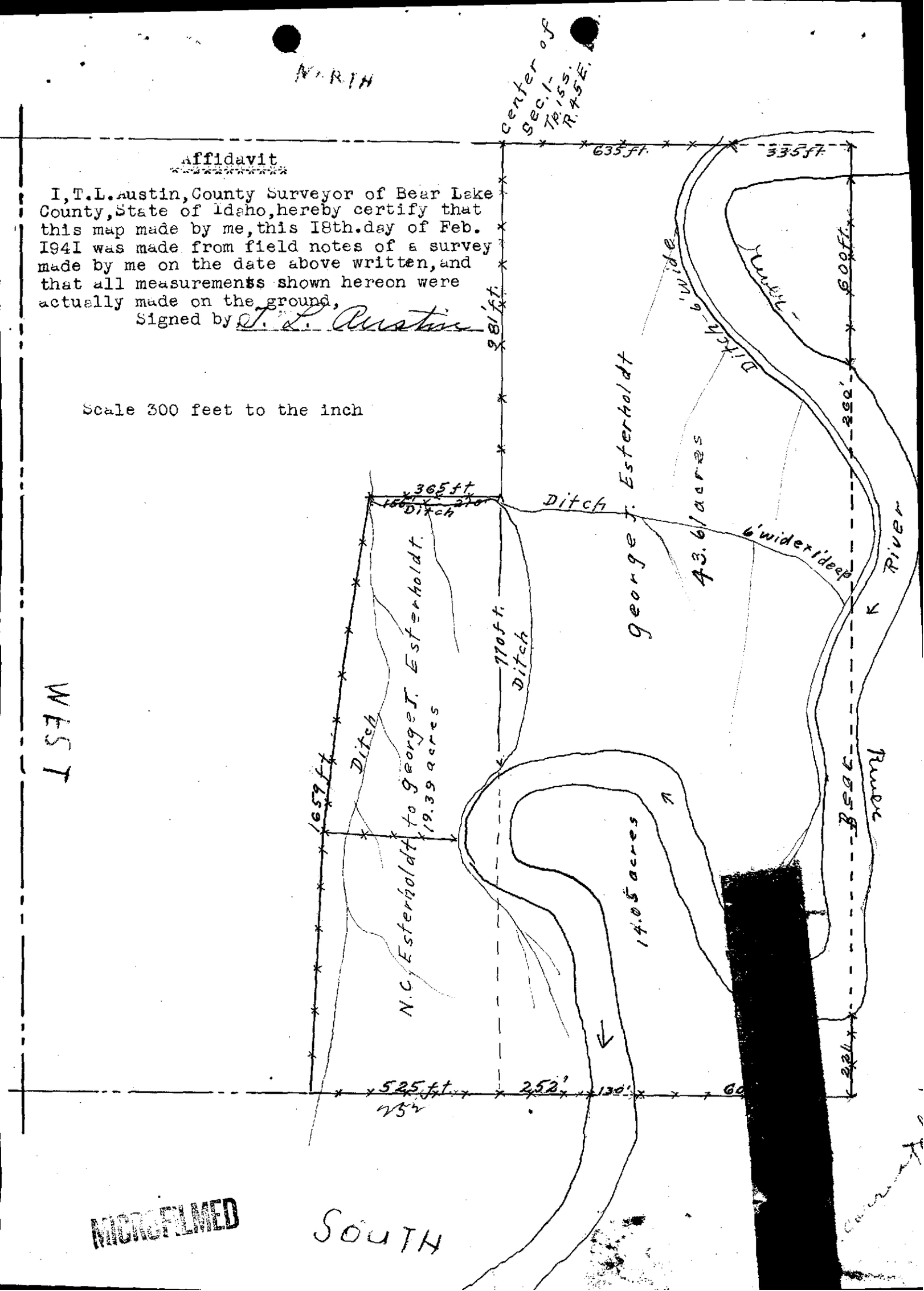
P. S. The 14.500 acres on the east side of the river cannot be irrigated at any price and never has had a ditch on it.

Your guess is as good as mine

M.

MICROFILMED


North
NUEECR Canall.
County Road
R Road
South
VERGIL MILLER 60ac
Bear River
Bear. River
ditch
irrigation
river
Indian water rights
ditch
Miller ditch
ditch
white rooms home
INDIAN HOME
NC ESTERHOLDT
NC ESTERHOLDT
West of river
Water rights recorded in Washington 1873 under Irrigation Indian Co-


NORTH
center of sec. 1- T.15 S. R.45 E.
635 ft.
335 ft.
981 ft.
600 ft.
Affidavit
I, T.L. Austin, County Surveyor of Bear Lake County, State of Idaho, hereby certify that this map made by me, this 18th. day of Feb. 1941 was made from field notes of a survey made by me on the date above written, and that all measurements shown hereon were actually made on the ground,
Signed by T. L. Austin
Scale 300 feet to the inch
Ditch 6' wide
Small
365 ft.
150
210
Ditch
Ditch
George T. Esterholdt
43.6 l acres
6' wider 1' deep
River
WEST
770 ft.
Ditch
1659 ft.
Ditch
George T. Esterholdt
19.39 acres
N.C. Esterholdt to George T.
14.05 acres
525 ft.
252'
130'
75½
SOUTH
MICROFILMED

RECEIVED
JAN 30 1941
Department of Reclamation

Pegram Idaho
Jan 28 1941

Mr E. A. Berg.

MICROFILMED

Dear Mr Berg-

Received your Letter of Jan 20
Will have the County Surveyer
Mr T. L. Curtin Survey my
Land all west of the river all
that is ayuley arogated under
the Miller Ditch. also will
Compleat maps & ditcher Cove of
Rivers. on your small Map With
Survey. Soon as Mr Curtin
Is Lawful he is fury for the
folowing Week Mr M. M.
Beam Surveyed it in 1919 but
is not a County surveyer eny
more, he has the field Maps &
all the Cont see how the decree

Cold Call for the Huffer Ditch
But I will have Mr Curtin
Surveye it as soon as he is done
with some County Worke I
meet them at the big Water
Meeting Feburon our State & our
Neforing State to descuss Water
rights Will send ever thing
Compleate soon as Parifil as I
Wold like to get it Corected fy
oregoing time Yours Mort
Respect

Geo J Erlerholdt
Pegram
Idaho

MICROFILMED

Pegram, Idaho
January 28, 1941.

RECEIVED
JAN 30 1941
Department of Reclamation

Mr. E.V. Berg

Dear Mr. Berg:

Received your letter of January 20th. Will have the county surveyor, Mr. T. L. Austin, survy my land all west of the river, all that is actually irrigated under the Miller ditch. Also will complete maps and ditches & course of the river on your small maps with survey soon as Mr. Austin is available. He is busy for the following week. Mr. M. M. Ream surveyed it in 1919, but is not a county surveyor any more. He has the field maps and all, and he can't see how the decree could call for the Nuffer ditch. But I will have Mr. Austin survey it, as soon as he is done with some county work. I met them at the big water meeting between our state and our neighboring state to discuss the water rights. Will send every thing complete as soon as possible, as I would like to get it corrected by irrigating time.

Yours most respectfully,

Geo. J. ##ber##Esterholdt.
Pegram, Idaho.

MICROFILMED