

Trp 8 No R 33E

Trp 8 No R 32E

Trp 8 No R 30E

SEC.

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SEC.

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SEC.

SEC.

Trp 7 No R 31E

SEC.

SEC.

SEC.

Land to which
water is drawn -
fence

Ditch

Ditch

new point of
intake

Point point
of intake

Point land
on which
water is
used.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5450

WATER RIGHT NO(S). 32-00058/32-00059/32-00060/32-00061C/32-00061D
32-00062/32-00063/32-00064/32-00065/32-00066/32-00068/32-00069
32-00070A/32-00070B/32-00073/32-00074/32-00075/32-00076/32-00077
32-00078/32-00079/32-00080/32-00083/32-00085/32-00086/32-00087
32-00089/32-00090A/32-00091/32-00092/32-00093/32-00101/32-00102
32-02043 & 32-02045

This is to certify that: **RENO DITCH COMPANY**
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

The requested changes have been reviewed in accordance with the provisions of Section 42-222, Idaho Code, and are hereby approved as hereafter set forth. The rights shall be used as herein described in accordance with the conditions of approval and applicable laws and rules.

	<u>PRIORITY</u>	<u>DIVERSION RATE</u>	<u>ACRES</u>	<u>ANNUAL VOLUME</u>
Right No. 32-00058 :	04/01/1910	1.00 CFS	67.0	234.5 AF
Right No. 32-00059 :	05/10/1884	6.40 CFS	320.0	1120.0 AF
Right No. 32-00060 :	05/10/1883	3.20 CFS	320.0	1120.0 AF
Right No. 32-00080 :	05/10/1886	3.20 CFS	320.0	1120.0 AF
Right No. 32-00061C :	05/10/1888	0.40 CFS	20.0	70.0 AF
Right No. 32-00068 :	05/10/1887	3.20 CFS	160.0	560.0 AF
Right No. 32-00069 :	05/10/1888	3.20 CFS	160.0	560.0 AF
Right No. 32-00073 :	05/15/1909	0.20 CFS	160.0	84.9 AF
Right No. 32-00077 :	05/15/1910	0.20 CFS	160.0	84.9 AF
Right No. 32-00078 :	05/15/1911	0.20 CFS	160.0	84.9 AF
Right No. 32-00079 :	05/15/1913	0.80 CFS	160.0	339.6 AF
Right No. 32-00085 :	05/10/1910	0.20 CFS	120.0	84.9 AF
Right No. 32-00086 :	05/01/1911	0.20 CFS	120.0	84.9 AF
Right No. 32-00087 :	05/01/1912	0.20 CFS	120.0	84.9 AF

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Right No. 32-00089	:	05/10/1888	2.50 CFS	160.0	560.0 AF
Right No. 32-00090A	:	05/10/1886	0.80 CFS	80.0	280.0 AF
Right No. 32-00091	:	05/01/1901	0.50 CFS	240.0	212.2 AF
Right No. 32-00092	:	05/10/1888	2.50 CFS	240.0	840.0 AF
Right No. 32-00093	:	05/10/1886	1.60 CFS	240.0	679.2 AF
Right No. 32-00102	:	05/10/1889	4.00 CFS	120.0	420.0 AF
Right No. 32-00061D	:	05/10/1888	2.80 CFS	140.0	490.0 AF
Right No. 32-00070A	:	08/19/1886	2.40 CFS	120.0	420.0 AF
Right No. 32-02043	:	09/19/1912	6.40 CFS	320.0	1120.0 AF
Right No. 32-00062	:	04/01/1904	3.20 CFS	160.0	560.0 AF
Right No. 32-00070B	:	09/19/1886	0.80 CFS	40.0	140.0 AF
Right No. 32-02045	:	11/16/1912	6.40 CFS	320.0	1120.0 AF
Right No. 32-00063	:	04/01/1904	3.20 CFS	159.2	557.2 AF
Right No. 32-00065	:	05/10/1884	3.20 CFS	160.0	560.0 AF
Right No. 32-00064	:	04/01/1907	3.20 CFS	160.0	560.0 AF
Right No. 32-00066	:	01/05/1910	6.40 CFS	320.0	1120.0 AF
Right No. 32-00074	:	10/01/1910	0.14 CFS	160.0	59.4 AF
Right No. 32-00075	:	05/15/1911	0.26 CFS	160.0	110.4 AF
Right No. 32-00076	:	05/15/1912	0.80 CFS	160.0	339.6 AF
Right No. 32-00083	:	05/15/1912	0.46 CFS	160.0	195.3 AF
Right No. 32-00101	:	06/04/1909	2.90 CFS	160.0	560.0 AF
TOTALS:			* 77.06 CFS	* 3427.0	* 11579.2 AF

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 11/01

SOURCE
BIRCH CREEK

TRIBUTARY OF
SINKS

MICROFILMED

JUL 27 1999

TRANSFER NO. 5450

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 34, Township 09N, Range 30E
CLARK CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	31E	12	SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		200
		13	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	NESE 40	NWSE 40	480
		14	NENE 40	SENE 40		80
32E	1	Lot 1 (NENE)	34	Lot 2 (NWNE)	34	SWNE 40
			SENE 40	Lot 3 (NENW)	34	Lot 4 (NWNW) 20
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			602
	2	Lot 1 (NENE)	2	SWNE 3	SENE 30	
			NESW 3	SWSW 3	SESW 30	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			231
	10		SENE 15	NESW 40	Lot 3 (NWSW) 41	
		Lot 4 (SWSW)	42	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	338
	11		NENE 40	NWNE 40	SENE 40	
			NENW 40	NWNW 20	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40		420
	12		NWNE 40	NENW 40	NWNW 40	
			SWNW 40			160
	14		NENW 40	NWNW 40		80
	15		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	Lot 1 (NWNW) 42	
		Lot 2 (SWNW)	42	SENW 40		324
33E	5	Lot 3 (NENW)	34	Lot 4 (NWNW)	34	SWNW 40
			SENW 40	NWSW 40	SWSW 40	228
	6	Lot 1 (NENE)	34	Lot 2 (NWNE)	34	SWNE 40
			SENE 40	Lot 3 (NENW)	34	Lot 4 (NWNW) 17
		Lot 5 (SWNW)	20	SENW 40	NESW 40	
		Lot 6 (NWSW)	20	Lot 7 (SWSW)	20	SESW 40
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			539
	7		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	360
	8		NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40		320

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09N 31E 31	NESW 40	Lot 3 (NWSW) 40	Lot 4 (SWSW) 40	
	SESW 40	NESE 40	NWSE 40	
	SWSE 40	SESE 40		320
32	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 40	
	SWNW 40	SENW 40	NESW 40	
	NWSW 40	SWSW 40	SESW 40	480
32E 36	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 40	
	SWNW 40	SENW 40	NESW 40	
	NWSW 40	Lot 4 (SWSW) 35	Lot 3 (SESW) 41	
	NESE 40	NWSE 40	Lot 2 (SWSE) 40	
Lot 1 (SESE) 40				636

Permissible Place of Use Acres: * 5798

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Rights 32-00060 and 32-00080 when combined shall not exceed the total annual diversion volume of 1120.0 af and the irrigation of 320.0 acres.
8. Rights 32-00073, 32-00077, 32-00078 and 32-00079 when combined shall not exceed the total annual diversion volume of 560.0 af and the irrigation of 160.0 acres.
9. Rights 32-00085, 32-00086 and 32-00087 when combined shall not exceed the irrigation of 120.0 acres.
10. Rights 32-00089 and 32-00090A when combined shall not exceed the total annual diversion volume of 560.0 af and the irrigation of 160.0 acres.
11. Rights 32-00091, 32-00092 and 32-00093 when combined shall not exceed the total annual diversion volume of 840.0 af and the irrigation of 240.0 acres

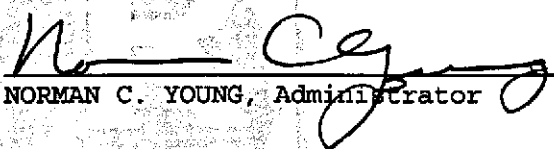
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TRANSFER NO. 5450

12. Rights 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093 and 32-00102 when combined shall not exceed the total annual diversion volume of 3360.0 af and the irrigation of 960.0 acres.
13. Rights 32-00061D, 32-00070A and 32-02043 when combined shall not exceed the total annual diversion volume of 1120.0 af and the irrigation of 320.0 acres.
14. Rights 32-00062, 32-00070B and 32-02045 when combined shall not exceed the total annual diversion volume of 1120.0 af and the irrigation of 320.0 acres.
15. Rights 32-00063 and 32-00065 when combined shall not exceed the total annual diversion volume of 560.0 af and the irrigation of 160.0 acres.
16. Rights 32-00074, 32-00075, 32-00076 when combined shall not exceed the irrigation of 160.0 acres.
- * 17. All rights under Transfer 5450 when combined shall not exceed a total diversion rate of 77.06 cfs, a total annual maximum diversion volume of 11,579.2 af at the field headgates, and the irrigation of 3,427.0 acres in the place of use described above in a single irrigation season.
18. Approval of Transfer 5450 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 23RD day of July, 1999.


NORMAN C. YOUNG, Administrator

MICROFILMED

JUL 27 1999

32-0065

37

22

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 429

This is to certify that Jennie C. Reno, of Idaho Falls, County of Bonneville, State of Idaho, has a right to the use of the waters of Birch Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the district court of the Fifth Judicial District of the State of Idaho, in and for Fremont County, in the case of J. R. Richards, plaintiff, vs. Frank Reno, et al., defendants, wherein 3.2 second feet of the waters of Birch Creek, in Water District No. 39, were dedicated to the $W\frac{1}{2}$ of $SE\frac{1}{4}$ and $E\frac{1}{2}$ of $SW\frac{1}{4}$, Section 21, Township 7 N., Range 31 East, Boise Meridian, said right bearing date of priority of May 10, 1884; that said decree has been entered on the records of the Department of Reclamation of the State of Idaho, in Book 1 of Decrees, at page 458; also a later decree recorded in Book 3 of Decrees, at page 994;

That, upon the application of the said Jennie C. Reno for a 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 3.2 second feet of the waters of Birch 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 list of lands, 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:

3.2 sec. ft., dated May 10, 1884

Fractional $W\frac{1}{2}SW\frac{1}{4}$ Sec. 6, Twp. 8 N., R. 33 E., B. M.,
 $N\frac{1}{2}SE\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$ Sec. 1, Twp. 8 N., R. 32 E., B. M.,
Containing 160 acres.

That the water right to be transferred has heretofore been diverted at a point in the $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 9, Twp. 7 N., R. 31 E., B. M., but will hereafter, by virtue of this certificate, be diverted at a point in the $SE\frac{1}{4}SE\frac{1}{4}$ Sec. 3, Twp. 8 N., R. 30 E., B. M., and carried through a private ditch.

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

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 5th day of June, 1928.

MICROFILMED

GEO. N. CARTER JUL 27 1999
Commissioner of Reclamation

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 430

This is to certify that O. E. Allison, of Meridian, County of Ada, State of Idaho, has a right to the use of the waters of Boise River for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, in the case of Farmers' Co-operative Ditch Company, plaintiff, vs. Riverside Irrigation District, Ltd., et al., defendants, wherein certain water was decreed to the Middleton Water Company for use upon lands lying under the Middleton Water Company's canal and later transferred to the East half of the Northwest quarter ($E\frac{1}{2}$ NW $\frac{1}{4}$) and West half of the Northeast quarter ($W\frac{1}{2}$ NE $\frac{1}{4}$), Sec. 31, Twp. 5 N., R. 1 E., B.M., by Certificate of Transfer No. 395, of the Commissioner of Reclamation of Idaho, said right bearing date of priority of June 1, 1877; that said decree and transfer are now on file in the Department of Reclamation of Idaho at Boise, in Book 1 of Transfers, at page 395.

That, upon the application of the said O. E. Allison for a 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 0.25 second feet of the waters of Boise River is hereby abandoned upon the lands above described and that 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, are shown in the following list of lands, 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:

0.25 sec. ft., dated June 1, 1877:

East half of the East half of the Southwest quarter ($E\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$) and South half of the Southwest quarter of the Northeast quarter ($S\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 36, Twp. 4 N., R. 1 W., B. M.

That the above described water has heretofore been diverted on the north bank of Boise River at a point in Section 32, Twp. 4 N., R. 2 E., B.M. and carried through the Middleton Water Company's canal, but will hereafter, by virtue of this certificate, be diverted on the south side of the river at a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Twp. 3 N., R. 2 E., B. M. and carried through the Settlers' Irrigation District Canal.

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

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 2nd day of July, 1928.

GEO. N. CARTER

Superceded by Reno vs Richards
See 32-0065

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 429

This is to certify that Jennie C. Reno, of Idaho Falls, County of Bonneville, State of Idaho, has a right to the use of the waters of Birch Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the district court of the Fifth Judicial District of the State of Idaho, in and for Fremont County, in the case of J. R. Richards, plaintiff, vs. Frank Reno, et al., defendants, wherein 3.2 second feet of the waters of Birch Creek, in Water District No. 39, were dedicated to the $\frac{1}{2}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 21, Township 7 N., Range 31 East, Boise Meridian, said right bearing date of priority of May 10, 1884; that said decree has been entered on the records of the Department of Reclamation of the State of Idaho in Book 1 of Decrees, at page 458; also a later decree recorded in Book 3 of Decrees, at page 994;

That, upon the application of the said Jennie C. Reno for a 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 3.2 second feet of the waters of Birch 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 list of lands, 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:

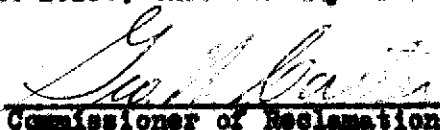
3.2 sec. ft., dated May 10, 1884

Fractional W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, Twp. 8 N., R. 33 E., B. M.,
N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 8 N., R. 32 E., B. M.,
containing 160 acres.

That the water right to be transferred has heretofore been diverted at a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 7 N., R. 31 E., B.M., but will hereafter, by virtue of this certificate, be diverted at a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Twp. 8 N., R. 30 E., B. M., and carried through a private ditch.

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

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 5th day of June, 1928.


Commissioner of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of Jennie C. Reno for Transfer)
of Water Right; Water District)
No. 39)

ORDER GRANTING TRANSFER

WHEREAS, On the 29th day of May, 1928, at the Department of Reclamation at Boise, Idaho, the matter of the application of Jennie C. Reno for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 5th day of June, 1928.


Commissioner of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 429

This is to certify that Jennie C. Reno, of Idaho Falls, County of Bonneville, State of Idaho, has a right to the use of the waters of Birch Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the district court of the Fifth Judicial District of the State of Idaho, in and for Fremont County, in the case of J. R. Richards, plaintiff, vs. Frank Reno, et al., defendants, wherein 3.2 second feet of the waters of Birch Creek, in Water District No. 39, were dedicated to the $\frac{1}{2}$ of SE $\frac{1}{4}$ and $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 21, Township 7 N., Range 31 East, Boise Meridian, said right bearing date of priority of May 10, 1884; that said decree has been entered on the records of the Department of Reclamation of the State of Idaho in Book 1 of Decrees, at page 458; also a later decree recorded in Book 3 of Decrees, at page 994;

That, upon the application of the said Jennie C. Reno for a 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 3.2 second feet of the waters of Birch 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 list of lands, 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:

3.2 sec. ft., dated May 10, 1884

Fractional W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, Twp. 8 N., R. 33 E., B. M.,
E $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 8 N., R. 32 E., B. M.,
containing 160 acres.

That the water right to be transferred has heretofore been diverted at a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 7 N., R. 31 E., B. M., but will hereafter, by virtue of this certificate, be diverted at a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Twp. 8 N., R. 30 E., B. M., and carried through a private ditch.

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

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 5th day of June, 1928.

Commissioner of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of Jennie C. Reno for Transfer)
of Water Right: Water District) ORDER GRANTING TRANSFER
No. 29)

WHEREAS, On the 29th day of May, 1928, at the Department of Reclamation at Boise, Idaho, the matter of the application of Jennie C. Reno for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 5th day of June, 1928.

Commissioner of Reclamation

Deputy File No. 34

32-0X

04015

SECOND DIVISION.

FRANK RIBLETT, *Commissioner.*

ALBION, IDAHO.

1903.

DECREED WATER RIGHTS,

Birch Creek, Fremont County.

JUDGMENT AND DECREE.

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

J. R. Richards, Plaintiff,

vs

Frank Reno, S. Kuharski, William Goddard, W. A. Tyler, Samuel Goddard, M. Kaufman, W. A. Scott, W. W. Johnson, Thomas Miller, David Miller, Edward Kaufman, and Henry Kaufman, Defendants.

This cause came on regularly for trial under a stipulation of the respective parties and their attorneys heretofore signed and filed, Messrs. J. Ed. Smith and W. T. Smith appeared as attorneys for plaintiff, Messrs. Reeves and Terrell appeared as attorneys for M. Kaufman, Edward Kaufman and Henry Kaufman, Messrs. Quarles and Averitt appeared as attorneys for W. W. Johnson, S. Kuharski and W. A. Scott, Messrs. Stewart & Dietrich appeared as attorneys for W. A. Tyler, Thomas Miller and David Miller. Messrs. S. C. Winters and R. V. Cozier appeared as attorneys for Frank Reno, and Mr. Thomas R. Hamer appeared as attorney for Samuel Goddard and William Goddard, and the parties were all present in person.

RECORDED

The court proceeded to the hearing of the testimony and all the parties with their witnesses having duly testified, which said testimony was taken by the court stenographer and the documentary and record testimony having been duly admitted, and the court having listened to the argument of the respective counsel, the cause was closed and finally submitted to the court for its consideration and adjudication.

And the court after due consideration in the premises renders its decision and files its findings of facts and conclusions of law and orders judgment to be entered in accordance therewith.

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

First.

That the defendant W. W. Johnson do have at all times a flow of 160 inches of water, measured under a four-inch pressure of the water of Birch creek a stream situated in Fremont county, state of Idaho, and the one in question in this suit, for the purpose of irrigating the lands described in cross-complaint of said defendant, his right to the use of same to date from May 10th, 1886.

Second.

That the plaintiff J. R. Richards do have at all times a flow of 160 inches of water, measured under a four-inch pressure of the waters of said Birch creek for the purpose of irrigating his land described in the complaint herein, his right to the use of same to date from May 10th, 1884.

Third.

That the defendant, Frank Reno, do have at all times the flow of 160 inches of water, measured under a four-inch pressure of the waters of said Birch creek for the purpose of irrigating the lands described in his cross-complaint herein; his right to the use of the same to date from May 10th, 1883; and that he also do have an additional 160 inches of water, measured under a four-inch pressure, of the waters of Birch creek for the purpose of irrigating his said lands; his rights to the use of same to date from May 10th, 1886.

Fourth.

That the defendant S. Kubarski do have a flow at all times of 160 inches of water, measured under a four-inch pressure of the waters of the said Birch creek for the purpose of irrigating his lands, described in his cross-com-

MICROFILMED

MEMORANDUM

TO: Files 32-00058/00059/00060/00061C/00061D/00062/00063/00064/00065/00066/
00068/00069/00070A/00070B/00073/00074/00075/00076/00077/00078/
00079/00080/00083/00085/00086/00087/00089/00090A/00091/00092/
00093/00101/00102/02043 & 02045.

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5450

DATE: June 29, 1999

Transfer 5450 combines the above referenced rights from Birch Creek and creates a 5798-acre permissible place of use for the newly formed Reno Ditch Company. The rights will have a common diversion point and water will be distributed to shareholders within the service area. This transfer resolves previous disputes among the water users.

Region water right and adjudication staff reviewed these rights and provided initial recommendations. Review of the rights as originally decreed and licensed provided further detail to each right. The total combined use under these rights is limited to a diversion rate of 77.06 cfs, a total annual diversion volume of 11,579.2 af, and the irrigation of 3,427 total acres each season within in the permissible place of use.

Season of use was identified as 04-01 to 11-01 under these rights to be consistent with previous transfers. Recommended conditions include watermaster control, measuring device and lockable controlling works, irrigation overlap, permissible place of use limits, combined right limits, and standard transfer conditions.

MICROFILMED
JUL 27 1999

MEMORANDUM

TO: FILE 32-00065

FROM: PAM SKAGGS

RE: TRANSFER # 5450

DATE: 5-17-99

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 32-00058.

MICROFILMED
JUL 27 1999

June 6, 1928

Re: Transfer of Water Right.

Mr. John O'Brien,
Reno, Idaho.

Dear Sir:-

We are mailing you herewith a copy of the certificate
of transfer of water right issued to Jennie C. Reno.

Very truly yours,
GEO. H. CARTER,
Commissioner of Reclamation.

By _____
Chief Clerk.

1 encl.

RECEIVED
JUN 10 1928

June 6, 1928.

Re: Transfer of Water Right-
Jennie C. Remo

Mr. O. A. Johansson,
Attorney at law,
Idaho Falls, Idaho.

Dear Sir:-

Enclosed you will find certificate of transfer issued
to Jennie C. Remo, with receipt for fee paid. We are also re-
turning to you the Abstract of Title, No. 426.

Very truly yours,
GEO. N. CARTER,
Commissioner of Reclamation.

By _____
Chief Clerk.

Encl.

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

May 31st, 1928.

Hon. George N. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Carter:

In re: Jennie C. Reno Water Transfer.

I enclose herewith affidavit of publication of notice in connection with the above proposed transfer. I have been out of the city so could not have this forwarded to you before this time.

I presume that no objection appeared at the hearing.

I enclose herewith the Abstract of Title showing the water right. This after you have examined it, I shall be glad to have you return to me. On page one, under the name of J. R. Richards, you will find described the 160 inches which Miss Reno seeks to have transferred. The Richards property passed by conveyances to the Renos and at a latter time a decree was entered. On page six, you will find wherein this water was decreed to Jennie C. Reno and Franklin A. Reno as successors to J. R. Richards. Franklin A. Reno has transferred his interest to Jennie C. Reno by a deed which I have in my possession, but which had not been recorded prior to the completion of the abstract. The abstract also shows sundry court proceedings, relative to foreclosures of mortgages, all of which have been handled by the writer. The interests of the Anderson Bros. Bank, successors to Idaho Falls National Bank have also been conveyed to Miss Reno, and the record title to the land and the water stands in her name.

Hoping that everything will be found to be regular and in due order, I am

Yours very truly,
O. A. Johannesen

I also enclose herewith my check for \$1.00 in payment of your fees.

Encs.

OAT a

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date May 11, 1928

The Arco Advertiser,
Arco, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two} ~~four~~ consecutive weeks prior to May 29, 1928, the date set for ~~proofing~~ the expense of the publication to be paid by the applicant, Jennie C. Reno, of Idaho Falls, to whom you should furnish proof of publication on or prior to the date set for ~~proofing~~.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

GEO. M. CARTER,

Commissioner of Reclamation.

June 1, 1928.

Re: Transfer of Water.

Mrs. Jennie C. Reno,
Idaho Falls, Idaho.

Dear Madam:

Upon receipt of the affidavit of publication
from the Arco Advertiser, and fee of \$1.00, the
Certificate of Transfer of Water Right will be
issued.

Yours very truly,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

CB:P

RECORDED

AFFIDAVIT OF PUBLICATION

I, C. A. Bottolfsen, publisher of The Arco Advertiser,
a weekly newspaper of general circulation, published weekly
at Arco, Idaho, since March, 1909, do solemnly swear that a
copy of the notice, as per clipping attached, was published
weekly in the regular and entire issue of said newspaper, and
not in any supplement thereof, for two
consecutive weeks, commencing with the issue dated
May 18, 1928 and ending with the
issue dated May 25, 1928.

C. A. Bottolfsen

Subscribed and sworn to before me this 26th
day of May 1928.

[Signature]

Notary Public.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Jennie C. Reno of Idaho Falls, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 3.2 second feet of the water of Birch Creek, from the land upon which it is now used, i. e.: W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 21, Twp. 7 N., R. 31 E. B. M., to the following described tract: Fractional W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 6, Twp. 8 N., R. 33 E., B. M., and N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 8 N., R. 32 E., B. M., containing 160 acres.

And that, on the 29th day of May, A. D. 1928, at 10 o'clock, a. m., at the Dept. of Reclamation, State House, Boise, 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.

GEO. N. CARTER,
Commissioner of Reclamation.
(M 18-25-2t)

Notice of Proposed Transfer of Water Right

Notice is hereby given that Jennie C. Reno of Idaho Falls
Idaho, has applied to the Commissioner of Reclamation of the State of Idaho
 for a certificate authorizing him to transfer the use of 3.2 second feet
 of the water of Birch Creek,
 from the land upon which it is now used, i. e., W¹SW¹ and E¹SW¹ Sec. 21, Twp. 7 N., R. 31 E.B.M.,
 to the following described tracts: Fractional W¹SW¹ Sec. 6, Twp. 8 N., R. 33 E., B.M., and
E¹SE¹ and SE¹SE¹, Sec. 1, Twp. 8 N., R. 32 E., B.M., containing 160 acres.

And that, on the 29th day of May, A. D.
1929, at 10 o'clock a.m., at the Dept. of Reclamation, State House, Boise,
 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.

Geo. N. Carter,

Commissioner of Reclamation

RECORDED

May 11, 1928

Re: APPLICATION FOR TRANSFER OF WATER RIGHT
Jennie C. Reno, Applicant.

JENNIE C. RENO,
Idaho Falls,
Idaho.

Dear Madam:

This will acknowledge receipt of your application to transfer an adjudicated water right from Birch Creek.

The application appears to be in proper and complete form with the exception of abstract of title to the water right which should be submitted for examination by this Department prior to the date of hearing.

Notice of publication is being prepared and will be forwarded to the Arco Advertiser at Arco. Hearing on the application is fixed for 10 o'clock A. M. on the 30th day of May at this office.

After the hearing, and provided there are no protests, Certificate of Transfer of Water Right can issue upon receipt of \$1.00 fee. In case of protests filed prior to the date set for hearing, you will be notified in order that you may make whatever appearance in defense of the application you may desire; in the absence of protests there will likely be no reason for your appearance at the hearing.

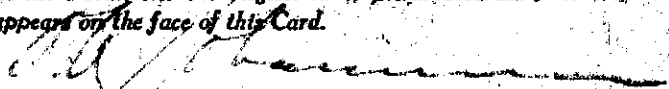
Very truly yours,

Commissioner of Reclamation.

GHC/tp

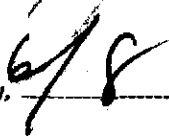
RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original receipt of which appears on the face of this Card.



(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery,  _____, 192 

Form 3811

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 15817

INSURED PARCEL

No.

Return to

(NAME OF SENDER)

*Street and Number,
or Post Office Box,*

BOISE,

IDaho.



PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

RECEIPT FOR REGISTERED ARTICLE NO.

15812

12 fee paid class postage paid

1938

From

MICROFILMED

Addressed to *Edith M. Hall*

Accepting employees will place initials in space below, indicating restricted delivery.

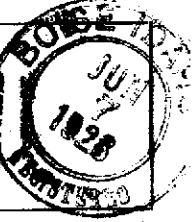
Return receipt fee

Special delivery fee

Delivery restricted to addressee { in person or order

Postmaster, per

65-6569



1st dec. BR - 1 99458

Later " 31 - 3 - 994

Form 20

Application For Transfer of Water Right

RECEIVED

MAY 11 1928

DEPARTMENT OF RECLAMATION

STATE OF IDAHO,

County of Bonneville

ss.

Jennie C. Reno

, being first duly sworn, deposes and says:

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

That he is the owner and using a certain water right, bearing date of priority of 5-10-1884, for 3.2 cubic feet per second of the waters of Birch Creek

County of Butte, State of Idaho, decreed to J. R. Richards, (and to Jennie C. Reno and Franklin A. Reno, as successors, in a later decree) by decree of Judge, D. W. Standred of the Fifth Judicial District of the State of

Idaho, in and for the County of Fremont, in the case of J. R. Richards vs.

vs. Frank Reno et al., said decree bearing date of October 12th, 1894.

Note: The Later Decree referred to is dated June 10th, 1915, (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. 39 in the County of Butte and State of Idaho, to-wit:

West half of Southeast Quarter and East half of Southwest Quarter Section 21, township 7 north, range 31 east Boise meridian,

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. by deed of conveyance from J. R. Richards estate and others, 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 SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 7N., Range 31E., B. M., and conducted to the above described lands through a private ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 3.2 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 Jefferson and State of Idaho, to-wit:

Frac. W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, Twp. 8 No. Ra. 33 E.B.M., and N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, Twp. 8 No. Ra. 32 E.B.M., containing 160 acres.

That his reasons for desiring to make such transfer are as follows: That the lands on which the water has been used are situated on the extreme lower end of Birch Creek, with no water users in between new point of diversion, and loss by seepage is very heavy, and the amount is insufficient to properly irrigate the land; the land is also very gravelly and crops cannot be profitably grown there with only this amount of water. These losses are overcome by diverting to the new place of use.

That he intends to divert and convey said 3.2 second feet of water to the tract of land last above described in the following manner, to-wit: by means of a diversion dam and head gate and ditch. The point of intake will be on Birch Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, Twp. 8 No. Ra. 30 E.B.M.

Note. Between old point of diversion and new point of diversion there are no diversion works of any kind, and the new diversion point will be the last diversion point on the Creek, there being no water users below said new point. 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.

Jessie C. Reno

Applicant

Subscribed and sworn to before me this 17th day of April

A. D. 1928

W. J. Johnson
Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Birch Creek

Where is the diversion point located? SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, Twp. 7 No. Ra. 31 E.B.M.

Through what ditch is it now conducted? private ditch, owned by applicant.

How much land is now irrigated by the water sought to be transferred? 160 acres, but only very poorly, as the supply is inadequate to fully irrigate same.
Give the description:

W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 21, Twp. 7 No. Ra. 31 E.B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 3.2 sec. ft

What kind of crops are being raised? principally hay.

How much water per acre is now required to irrigate said land? 3 inches per acre.

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

Give location of new point of diversion, if change is to be made. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, Twp. 8 No. Ra. 30 E.B.M.

Through what ditch will it be conducted after transfer? private ditch owned by applicant and neighbors.

How much water will be required per acre to irrigate the land to which this water is transferred? 1 inch per acre, by using the early Spring Flood water to augment.

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. a flood water right, which does not last beyond the month of May each year.

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. Only a flood water right, lasting not beyond the month of May each year.

Priority: Apr. 1, 1904.

Signed

Jessie C. Reno

Applicant

RECORDED

STATE OF IDAHO,

County of Blaine } SS.

Paul A. King and Anto Bone
being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Reno
that he is a user of water from Birch Creek, in Water District No. 39
County of Jefferson, Clark, Butte, Lemhi, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Jennie C. Reno and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Paul A. King
Anto Bone

Subscribed and sworn to before me this

3rd day of May

A. D. 1928

A. W. Johnson
Notary Public

STATE OF IDAHO,

County of Clark } SS.

I, John O'Brien, Watermaster of Birch Creek in
Water District No. 39, County of Clark, Jefferson, Lemhi, and Butte,
State of Idaho, whose postoffice address
is Reno, Idaho, have read or heard read the foregoing affidavit and petition
of Jennie C. Reno, and, of my own knowledge, believe the same to be
true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be
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: None.

Watermaster Dist. No. 39

John O'Brien
3rd day of May, 1928

Dated at Reno, Idaho, this

RECORDED

Name of Applicant.

Tract 8 No R 338

Tract 8 No R 328

Tract 8 No R 308

SEC.

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SEC.

SEC.

SEC.

Land to which
water is drawn
from

Ditch

Ditch

new point of
view

Tract 7 No R 318

Point of
view

Tract 6
Raising land
on which
water is
used.

MICROFILMED

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