

Affidavit of Publication

RECEIVED

SEP 14 1910

OFFICE OF STATE ENGINEER

STATE OF IDAHO,)
COUNTY OF FREMONT,)

I, J. W. Jones, do solemnly swear that I am the publisher of the RIGBY STAR, a weekly newspaper of general circulation, published once each week at Rigby, Fremont County, Idaho; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper four consecutive weeks; first publication having been made on the 15th day of August 1910; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and that the notice was published in the newspaper and not in a supplement.

Notice of Proposed Transfer of Water Right.

Notice is hereby given that Frank Reno of Reno, Idaho, has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of 320 inches of water of Birch Creek, Fremont county, Idaho, from the land upon which it was formerly used to-wit:

S $\frac{1}{2}$ of S $\frac{1}{2}$ of Sec. 31 T 8N, 31 E. B. M. and N $\frac{1}{2}$ of N $\frac{1}{2}$ of Sec. 6 T, 7 N31 E. B. M. to the following described tract:

S $\frac{1}{2}$ of S $\frac{1}{2}$ of Sec. 10, and N $\frac{1}{2}$ of N $\frac{1}{2}$ of Sec. 15 T, 8N, 32 E. B. M.

And that, on the 10th day of September, A. D. 1910 at Dubois Hotel, Dubois Idaho at 1 o'clock p. m. before J. O. Webster Water Commissioner of this division, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

Full details of the proposed transfer may be obtained from George Webster Watermaster of said stream.

Aug 18 Sept 8

J. W. Jones

Subscribed and sworn to before me this 8th day of Sept A. D., 19010

W. H. Hammond
Notary Public
My Com. Expires
March 7th 1914.

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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

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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		SENE 40		NESW 40	
				NWSW 40		NESE 40		NWSE 40	480
		14		NENE 40		SENE 40			80
32E	1	Lot 1	1 (NENE)	34	Lot 2	2 (NWNE)	34	SWNE 40	
			SENE	40	Lot 3	3 (NENW)	34	Lot 4	4 (NWNW) 20
			SWNW	40		SENE	40	NESW	40
			NWSW	40		SWSW	40	SESW	40
			NESE	40		NWSE	40	SWSE	40
			SESE	40					602
		2	Lot 1	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	3 (NWSW) 41
			Lot 4	4 (SWSW) 42		SESW 40		NESE	40
			NWSE	40		SWSE	40	SESE	40
		11		NENE 40		NWNE 40		SENE	40
			NENW	40		NWNW	20	SWNW	40
			SENE	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	1 (NWNW) 42
			Lot 2	2 (SWNW) 42		SENE	40		324
33E	5	Lot 3	3 (NENW)	34	Lot 4	4 (NWNW)	34	SWNW	40
			SENE	40		NWSW	40	SWSW	40
		6	Lot 1	1 (NENE) 34	Lot 2	2 (NWNE)	34	SWNE	40
			SENE	40	Lot 3	3 (NENW)	34	Lot 4	4 (NWNW) 17
			Lot 5	5 (SWNW) 20		SENE	40	NESW	40
			Lot 6	6 (NWSW) 20	Lot 7	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
		8		NENW 40		NWNW 40		SWNW	40
			SENE	40		NESW	40	NWSW	40
			SWSW	40		SESW	40		360
									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	SENE 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	SENE 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
				* 5798

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

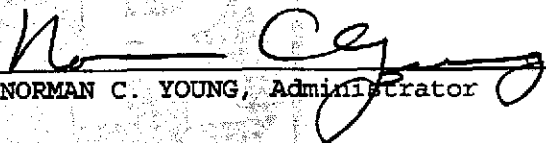
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12. Rights 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093 and 32-00102 when combined shall not exceed the total annual diversion volume of 3360.0 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

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III 27 1999

See Right no. 32-060

Superseded by
1922 decree
Reno vs Richards

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

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

CERTIFICATE NO. 55, AUTHORIZING TRANSFER OF USE OF WATER RIGHT.

Permission is hereby granted FRANK RENO, of Reno, County of Fremont, State of Idaho, to transfer the use of Three Hundred and twenty (320) inches of the waters of BIRCH CREEK, Fremont County, Idaho, from the land upon which it is now used, i.e., South half of South half (S2 S2) Section Thirty-one (31), Township Eight (8) North, Range Thirty-one (31) East of Boise Meridian, and North half of North half (N2 N2) Section Six (6), Township Seven (7) North, Range Thirty-one (31) East of Boise Meridian, to the following described tract, to-wit: South half of South half (S2 S2) Section Ten (10) and North half of North half (N2 N2) Section Fifteen (15), Township Eight (8) North, Range Thirty-two (32) East of Boise Meridian.

The water right appurtenant to the above described lands was adjudged by decree dated October 12, 1894, of D. W. Standrod, Judge of the Fifth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of J. R. Richards, plaintiff, vs., Frank Reno, et al, defendants. in the following words:

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

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 inch pressure of the waters of Birch Creek, to date from

to date from May 10, 1883: and that he also have an

additional 160 inches of water.....of the waters of

Birch Creek.....to date from May 10, 1886.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twenty-first day of October, A. D. 1910.

D. G. Martin

State Engineer.

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BAL)

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 Kauf-
man, 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.

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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. Kuharski 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-

plaint herein, his right to the use of the same to date from August 19th, 1886.

Fifth.

That the defendant, W. A. Scott, do have a flow at all times of 160 inches of water measured under four-inch pressure of the waters of the 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, 1888.

Sixth.

That the defendant William Goddard, do have at all times a flow of 160 inches of water measured under a four-inch pressure of the waters of the 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, 1888.

Seventh.

That the defendant Samuel Goddard, do have at all times a flow of 200 inches of water measured under a four-inch pressure of the waters of the said Birch creek for the purpose of irrigating the lands described in his cross-complaint herein; his right to the use of same to date from May 10th, 1889.

Eighth.

That the defendants, M. Kaufman, Edward Kaufman, Henry Kaufman, do have at all time a flow of 250 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 their cross-complaint herein; their right to the use of same to date from May 10th, 1888.

Ninth.

That the defendants Thomas Miller and David Miller do have at all times a flow of 160 inches of water measured under a four-inch pressure of the water of the said Birch creek for the purpose of irrigating the lands described in their cross-complaint; their right to the use of the same to date from September 10th, 1882 and that they also do have the flow of 160 inches of water additional, measured under a four-inch pressure of the waters of said Birch creek, for the purpose of irrigating their said lands above described; their right to the use of the same to date from May 10th, 1887.

That they also do have the use at all times of all the

waters of that certain spring, a tributary of said Birch creek, more fully described in the findings herein, for domestic purposes, and for watering stock, and irrigating the lands of said defendants, described in their cross-complaint.

Tenth.

That the defendant, W. A. Tyler, do have at all times the flow of 320 inches of water measured under a four-inch pressure, of the waters of said Birch creek for the purpose of irrigating lands described in his cross-complaint herein; his right to the use of the same to date from May 10th, 1884.

Eleventh.

That the waters herein adjudged to the parties be measured at the head of the ditch of each claimant, i. e. from the point where the water is diverted from the creek, that it shall be measured in inches by multiplying the width by the depth of the water flowing into the box at the head, said box to be hereafter described.

That the water shall flow into said box without any damming, or excessive current or pressure above the depth to which the claimant is entitled; that the water flowing into said box shall at no time exceed six inches in depth.

Twelfth.

That before any claimant herein shall be entitled to divert or use any water herein adjudged to him, he shall place at the point of diversion in the stream a box not less than 8 1/4 feet in length or greater than 16 1/2 feet in length, made of strong lumber, and set upon an absolutely firm foundation; said box shall not exceed six inches in depth and shall be covered over at the head with straight boards for a length not less than two feet, said box shall have a fall from the head, of one inch, if a rod, or one-half inch if one-half rod in length.

Thirteenth.

For the purpose of securing the placing of the boxes referred to, and for the distribution of the waters as herein adjudged the court reserves the right at any time to appoint a suitable person as a commissioner for that purpose.

Fourteenth.

That each of the parties hereto, his agents, attorneys, servants or employes are enjoined and forever prohibited

from using any of the waters of said Birch creek herein adjudged to him in any manner or in any greater quantity than as above set out.

Fifteenth

That the right of any party hereto to use the water herein awarded to him as against any other claimant herein, depends upon the date of his right to use being prior to that of such claimant, and each and every claimant whose rights are found to be prior in time shall be supplied with the amount of water herein found to belong to him, before any subsequent claimant shall have the right to use any of the waters of said Birch creek.

Sixteenth.

That each of the parties hereto shall pay all costs incurred by him, and the costs and expenses incurred in common by reason of the suit shall be equally divided among all of the parties hereto.

Judgment rendered on this 12th day of October, 1894.

D. W. STANDROD,

Judge.

Recorded in Book A of Judgments, page 412, records of Fremont County, Idaho.

State of Idaho, County of Fremont, ss.

I, Victor Hegsted, Clerk of the District Court and Ex-Officio Auditor and Recorder in and for the above named County and State do hereby certify the foregoing decrees to be true and literal exemplifications of the originals as the same appear of record in the judgment records of my office.

Given under my hand and seal, this 17th day of April 1903.

(Seal)

VICTOR HEGSTED,

Clerk, Etc.

By ERNEST BRAMWELL,

Deputy.

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 Skaggs²⁸/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.

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JUL 27 1999

MEMORANDUM

TO: FILE 32-00060
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.

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JUL 27 1999

October 26, 1910.

Re transfer of water right

Frank Reno,
Reno, Idaho.

Sir:-

I am inclosing you herewith certificate No. 55 authorizing transfer of water right.

Very truly yours,

State Engineer.

Tr56

By...

September 27, 1910.

Re transfers of water rights

Mr. Frank Reno,
Reno, Idaho.

Sir:-

Upon my return home from a trip out of the city I find the applications of yourself and Agnes B. Reno, duly approved by Mr. Webster, water commissioner. There still remains the fee of \$1.00 on each transfer. Mr. Webster did not return the maps with the applications and I have today written him for same. As soon as the fees and maps are in the matter of issuing the certificates of transfer will be taken up.

Very truly yours,

State Engineer.

By...

September 27, 1910.

Re transfers of water rights.
Frank and Agnes B. Reno

Mr. J. O. Webster,
Water Com. 1st Div.,
Idaho Falls, Idaho - R.D.#5

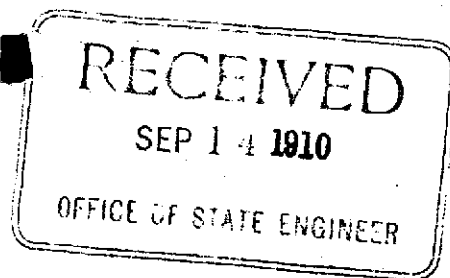
Sir:-

Upon my return home from a trip out of the city I find the above transfers on my desk, with your approval. The maps, however, do not appear to have been returned. If you find these in your office please send them in. There also remains the fee of \$1.00 for each transfer and I have today written Mr. Reno for same.

Very truly yours,

State Engineer

By...



Sep 12 1910

D. J. Martin
State Engineer
Boise Idaho

Dear Sir,

I herewith submit reports of
the following water rights.

Peacefull Valley Imp. Co. Permit No. 4965.

Richard A Ward. " " 4008.

Axtel O Nyberg. " " 6161.

Conant Creek Canal Co Ltd. " " 5803.

Minnie Kruger. " " 6246.

I also inclose the Reno Application
for Transfer of Water Rights with
my approval.

Yours Truly
J. O. Webster

RECORDED

August 10, 1910.

Re transfers

Mr. J. O. Webster,
Water Com. 1st Div.,
Idaho Falls, Idaho R.D. #5

Sir:-

I am inclosing you herewith applications for transfer of water rights of Agnes and Frank Reno, together with the required quit-claim deed and copy of the decrees. Am also sending you, under separate cover, maps filed with these papers.

Very truly yours,

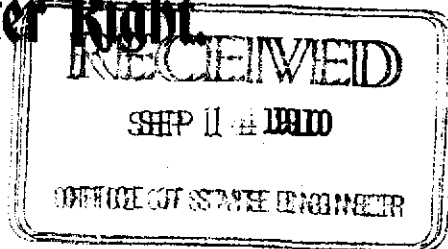
State Engineer.

Inc.

By...

RECORDED

Application for Transfer of Water Right.



State of Idaho,
County of Bingham } ss.

Frank Reno, being first duly sworn, deposes and says:

That his name is Frank 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

Reno, Fremont County, Idaho

That he is the owner and using a certain water right of 370 inches of the waters of Birch Creek

County of Fremont, State of Idaho, decreed to Frank Reno by decree of Judge D. W. Standrod, 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. Frank Reno et al, said decree bearing date of October 12

1894 (or obtained by virtue of License No. , issued by the State Engineer of the State of Idaho, dated), for the purpose of irrigating the

following described lands situate, lying and being in the County of Fremont and

State of Idaho, to wit: the S² of S² of Sec 31, Twp 8 N R 31 E

the N² of N² of Sec 6, T. 7 N R 31 E B M.

and is the person (or the representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e.

By Decree as above set forth
as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters ^{were} ~~are now~~ diverted from said stream at the NW corner
of tract of land from each side of Birch Creek
and conducted to the above described lands through ditches from each side of said stream
as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of all
of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Fremont and State of Idaho, to wit: S² of S² of 10 ac N² of N² of 10 Twp 8 N
37 E B. M.

That his reasons for desiring to make such transfer are as follows: That the use of said water upon the first named tract was abandoned about the year 1900, and has since that time been continuously used upon the last named tract of land and affiant desires to have such transfer recorded,

RECEIVED

That he intends to divert and convey said 370 inches of water to the tract

of land last above described in the following manner, to wit:

By means of a ditch already constructed, about
eight miles long and of sufficient capacity
to carry said water, point of diversion as present
as located in 1900, being in sec 3. Twp
8 N. 30 E Bm

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of this Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Subscribed and sworn to before me this

28th

day of

July

A. D. 1900

Frank Reno
Notary Public

State of Idaho,

County of

Tremont

ss.

W. J. Hagenbarth

and

H. S. Wood

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Shenandoah

that he is a user of water from Birch Creek, County of Tremont,

State of Idaho; that he has read or heard read the foregoing affidavit and petition of Frank

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.

W. J. Hagenbarth
H. S. Wood

Subscribed and sworn to before me this

30th

day of

July

A. D. 1900

Frank Reno
Justice Peace

RECORDED

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SEP 14 1910

OFFICE OF STATE ENGINEER

Affidavit of Publication

STATE OF IDAHO,)

COUNTY OF FREMONT,)

I, J. W. Jones, do solemnly swear that I am the publisher of the RIGBY STAR, a weekly newspaper of general circulation, published once each week at Rigby, Fremont County, Idaho; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper four consecutive weeks; first publication having been made on the 15th day of August 1910; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and that the notice was published in the newspaper and not in a supplement.

J. W. Jones

Subscribed and sworn to before me this 9th day

of Sept A. D., 1910

W. H. Hammond
Notary Public

My Com. Expires
March 10 1914.

MICROFILMED

State of Idaho,

County of

Tremont

ss.

I,

Geo. H. Webster

Watermaster of

Rich Creek

County of

Tremont

State of Idaho, whose postoffice address is

Reno

Idaho

, have read or heard read the foregoing affidavit and petition of

Frank 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 au-

thorized; and I hereby endorse my approval of said petition, and request that the State Engineer

issue the certificate of transfer as petitioned; ~~or (do not approve of the issuance of the certificate of~~

~~transfer prayed for)~~ for the following reasons:-----

Geo. H. Webster

Watermaster.

Idaho Falls Idaho
R. F. D. 5.

Notice having been duly published for thirty days of the intention of the above named

Frank

B. Reno

to apply to the State Engineer of the State of Idaho for a certificate

authorizing the transfer of water as set forth in his affidavit and petition herein, and an opportunity

having been given to any and all persons opposing said transfer to present their objections in a public

hearing before me at

Idaho Falls Idaho, on Sep. 10, 1910.

the terms of said notice;

And it not appearing at said hearing that any one would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said

applicant, authorizing the transfer as prayed for in his petition; ~~or (and it appearing at said hearing~~

~~that the following injuries would be sustained by others if such transfer is permitted~~-----

~~I hereby recommend that the State Engineer do not issue the certificate authorizing the transfer~~

~~sought hereinabove.~~

J. H. Webster

Commissioner of Water Division No. 1

By

RECORDED

Trans

No.....

**APPLICATION FOR TRANSFER
OF WATER RIGHT.**

From

To

Stream

County

Applicant.

Received

Approved

Certificate No..... issued.....

and recorded in

Book..... of Transfers, at page.....