

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF
F R E M O N T.

Agnes B. Reno, Jerome F. Reno,
Franklin A. Reno, Jennie C. Reno and
Agnes M. Reno,
 plaintiffs,

vs.

J.R. Richards, S. Kuharski, W. A. Tyler,
Samual Goddard, W. Kaufman, W. A. Scott,
W. W. Johnson, Thomas Miller, David Miller,
Edward Kaufman, Henry Kaufman, Frank G.
Worthing, Jessie Worthing, Chester Worthing,
Thomas Weimer, Charles B. Watts, William
Goddard, Alfred L. Goddard, John Goddard,
George Stevenson, Thomas Clark, Frank
Clark, James Wells, Thomas Fayle, John
Robison, James Dyer, Frank Shafer, Francis
Waters, John B. Weimer, T. W. Thomas, H.D.
Mason, Birch Creek Irrigation Company, a
corporation, A. R. Nichols, Clara Granger,
F. F. Granger, C. B. Watts and Wood Live
Stock Company, a corporation,

Defendants.

JUDGMENT.

BE IT REMEMBERED, That:

This cause came regularly on for trial before the above entitled court sitting without a jury, a jury having been expressly waived by the respective parties thereto: Messrs. Standrod & Terrell and Messrs. Soule & Soule, appeared as attorneys on behalf of the plaintiffs, and A. M. Bowen, Esq., and J. W. Porter, Esq., appeared as attorneys for the defendants, Frank G. Worthing, Jessie Worthing and James Dyer; Messrs. Millsaps & Moon, appeared as attorneys for the defendants, Wood Live Stock Company, Thomas J. Weimer, C. B. Watts and Lillian M. Watts; B. J. Briggs, Esq. and W. L. McConnell, Esq., appeared as attorneys for the defendants, Samuel Goddard, William Goddard, Alfred L. Goddard, John Goddard and George Goddard; S.E. Blaine, Esq. appeared as attorney for the defendants, Birch Creek Irrigation Company, a corporation, and T. W. Thomas, A. H. McConnell, Esq. appeared as attorney for the defendant Edward M. Kaufman; W. A. Lee, Esq., appeared as attorney for the defendant, Oliver Ransom; and Holden and Holden, appeared as attorneys for the defendants, A. R. Nichols, Emma Nichols, J. C. Roberson, mentioned in the title of this action as John Robinson, (being one and the same person) Gertrude Roberson and Charles Curtis.

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numbered One (1) of Section Fifteen (15) in Township Eight (8) North of Range Thirty-two (32) East of the Boise Meridian, in Jefferson County, State of Idaho, containing three hundred and twenty acres:

32 0061 That the said Jerome F. Reno, as the successor in interest of Winfield A. Scott, and Elizabeth Scott, his wife, also have the use at all times of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of the said Birch Creek, his right to the use of the same to date from the 10th day of May, 1888, to be used upon and become appurtenant to the following described lands:

The Southwest Quarter of the South-west Quarter of Section Twelve (12), the South-east Quarter of the South-east Quarter of Section Eleven (11), and the West Half of the North-west Quarter of Section Thirteen (13), in Township Ten (10) North of Range Twenty-nine (29) East of the Boise Meridian in Clark County, State of Idaho, containing one hundred and sixty acres:

32 0062 That Franklin A. Reno, have at all times the use of three and two-tenths (3.2) cubic feet per second of time (one hundred sixty miners' inches) of the waters of the said Birch Creek, his right to the use of the same to date from the 1st day of April, 1904, to be used upon and become appurtenant to the following described lands:

The South-east Quarter of the North-east Quarter the South-west Quarter of the North-east Quarter, the North-west Quarter of the North-east Quarter, and the North-east Quarter of the North-west Quarter of Section Seven (7), in Township Eight (8) North of Range Thirty-three (33) East of the Boise Meridian, in Jefferson County, State of Idaho, containing one hundred and sixty acres:

32 0063 That Jennie C. Reno, have at all times the use of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of the said Birch Creek, her right to the use of the same to date from the first day of April, 1904, to be used upon and become appurtenant to the following described lands:

The East Half of the South-east Quarter and the North-west Quarter of the South-east Quarter of Section One (1) in Township Eight (8) North of Range Thirty-two (32) East of the Boise Meridian, and Lots numbered Six (6) and Seven (7) of Section six (6) in Township Eight (8) North of Range Thirty-three (33) East of the Boise

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32 0067 The said Wood Live Stock Company, a corporation, aforesaid, as successor in interest of Thomas and David Miller, have at all times the use of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of the said Birch Creek, its right to the use of the same to date from the 10th day of September, 1882, to be used upon and become appurtenant to the following described lands:

Lots Two (2), Three (3), and Four (4), and the South-East Quarter of the South-west Quarter of Section Nineteen (19), in Township Ten (10) North of Range Thirty (30) East of the Boise Meridian.

32 0068 That the said Wood Live Stock Company, as the successor in interest of Thomas and David Miller, have at all times the use of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of the said Birch Creek, and also all of the waters of that certain spring, known as Miller's Spring, a tributary of the said Birch Creek; its right to the use of the same to date from the 10th day of May, 1887, to be used upon and become appurtenant to the following described lands:

The North-east Quarter of the North-west Quarter, and the North Half of the North-east Quarter, of Section Thirty (30), and the South-west Quarter of the South-east Quarter of Section Nineteen (19), Township Ten (10) North of Range Thirty (30) East of the Boise Meridian, containing one hundred and sixty acres, in Clark County, State of Idaho.

32 0069 That the said Wood Live Stock Company, a corporation, as the successor in interest of William Goddard, also have, at all times, the use of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of said Birch Creek, its right to the use of the same to date from the 10th day of May, 1888, to be used upon and become appurtenant to the following described lands:

The South-east Quarter of the North-east Quarter, and the North Half of the South-east Quarter, and the South-east Quarter of the Southeast Quarter of Section Twenty-four (24), in Township Ten (10) North of Range Twenty-nine (29) East of the Boise Meridian, containing one hundred and sixty acres, in Clark County, State of Idaho.

32 0070 That Clara Granger and F.E. Granger, as the successors in interest of S. Kiharski, have at all times the use of three and two-tenths (3.2) cubic feet per

257
258

NOTED

second of time (one hundred and sixty miners' inches) of the waters of the said Birch Creek, their right to the use of the same to date from the 19th day of August, 1886, to be used upon and become appurtenant to the following described lands:

The East Half of the South-west Quarter of Section Twenty-five (25), and the East Half of the North-west Quarter of Section Thirty-six (36), in Township Eight (8) North of Range Thirty (30) East of the Boise Meridian, in Clark County, State of Idaho, containing one hundred and sixty acres.

32 0071 That William Goddard have at all times the use of the waters of that certain spring situated about one-half of a mile above and northerly from Birch Creek Springs, and commonly known as "Goddard Springs ", his right to the use of the same to be exclusive; to be used upon and become appurtenant to the following described lands:

The East Half of the North-east Quarter of Section Twenty-one (21), the North-west Quarter of the North-west Quarter of Section Twenty-two (22), and the South-west Quarter of the South-west Quarter of Section Fifteen (15), in Township Eleven (11), North of Range Thirty (30) East of the Boise Meridian, in Lemhi County, State of Idaho, containing one hundred and sixty acres;

32 0072 That Thomas J. Weiner have the exclusive use, at all times, of the waters of those certain springs situated in the South-east Quarter of the North-east Quarter of Section three (3), Township Ten (10) North of Range Twenty-nine (29), East of the Boise Meridian; and also have, at all times; the use of two and nine-tenths (2.9) cubic feet per second of time of the waters of said Birch Creek; his right to the use of the waters of said Birch Creek to date from the 4th day of June, 1909; all of the said waters of the said Springs and of said Birch Creek to be used upon and become appurtenant to the following described lands:

The South-east Quarter of the North-east Quarter, the East Half of the South-east Quarter of Section Three (3), and the South-west Quarter of the South-west Quarter of Section Two (2), in Township Ten (10) North of Range Twenty-nine (29) East of the Boise Meridian, in Clark County, State of Idaho, containing one hundred and sixty acres; provided, however, that the said Thomas J. Weiner shall only be entitled to the use of one (1) Miners' inch per acre of the said waters for the irrigation of so much of said lands as are not in actual cultivation, until the whole thereof shall be placed in cultivation; and if the said defendant shall

RECORDED

East half SW $\frac{1}{4}$ Sec.

1. State lands from which the transfer is desired:
25.E $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 36.Tsp 8 North Range thirty E. B. M. ~~North half of the North half Section 6. Tsp. 8 N. R. 32.~~
~~North half of the North half Section 6. Tsp. 8 N. R. 32.~~
2. State amount, source, and date of water right, covering the land:
4.0 Cu. Ft. Per Second, Birch Creek, ~~1.6 May 10, 1888.~~ ~~2.2 Aug 19, 1886.~~
3.2. Cu Ft. per Second
April 1 1904. .8 cu ft. per sec. Aug. 19 1886.
3. State the present point of diversion by 40 acre tract:
~~1.3 Cu. Ft. per Second sec 11 T. 10. 29. 2.4 Cu. Ft. per Second Sec 24. T. 8. N. R. 30.~~
Southeast quarter Southeast quarter Sec. 3. T. 8. N. R. 30.
Agnes B. Reno. E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 25.
4. Who owns the above described lands:
~~Jerome E. Reno. E $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 36. Tsp 8 N. R. 30 E. B. M. N $\frac{1}{2}$ N $\frac{1}{2}$ Sec 6 Franklin A. Reno.~~
Reno. By purchase
5. How obtained: Part by purchase and part by Homestead entry.

By Decree.
6. State how the water right was secured:

200 acres
7. How much of this land is in cultivation and under irrigation:

At present no time.
8. State kind of crops: None at this time
9. Is any portion of the above lands swampy, and if so, to what extent:

None.
10. When was water ~~Sec 13~~ ~~land~~ on the above described lands:
N $\frac{1}{2}$ N $\frac{1}{2}$ Section 6. 1919? E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 25. T. 8 N. R. 30. 1919.
E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 36. Tsp 8 N. R. 30. 1918.
11. How much of the above described lands will be irrigated if the transfer is granted: None.
12. How much water per acre, will be necessary: None
13. Are there any water rights, other than the one above described, attached to the said lands, and if so, state same: None.
14. Describe the lands to which the transfer is desired:
~~South East quarter Sec. 7. Southwest quarter Sec. 8. T. 8. N. R. 33 E. B. M.~~
South East quarter Sec. 7. Southwest quarter Sec. 8. T. 8. N. R. 33 E. B. M.
15. Who is the owner of same, and how acquired:
~~Eva Reno. Filed on same as Desert Entry.~~
Eva Reno. Filed on same as Desert Entry.

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16. If there is any water right attached to the above lands at present, state source, amount, date, how acquired: none

None.

Used some high water and waste water. Thru the Reno Ditch.

17. State point of diversion: SE SE $\frac{1}{4}$ Sec. 3. Tsp. 8. N.R. 30.

18. How much of this land in cultivation and irrigation: None.
Three hundred acres.

19. How much water per acre is required for these lands: Three hundred Acres 5/8 Miners inches.

20. If the transfer is granted, describe the new point of diversion: 5/8 Miners inches.

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3. Tsp. 8. N.R. 30 E.B.M?

21. How long have these lands been irrigated, and when was water last used on them: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section three Tsp. 8. N.R. 30 E. B.M.
By Waste Water for the past three years.

22. How much of the above described lands will be irrigated if the transfer is granted: By waste water for the past seven years
Three hundred twenty acres.

23. Are any of these lands water by: Three hundred twenty
None.

24. What are the reasons for desiring said transfer: None

Better soil, and grows more crops per acre. and also
for a permnant water right.

X Eva Reno
Applicant.

Subscribed and sworn to before me this 11th day of March 1919.

Jose T. Gallagher
Notary Public
Residing at Reunion, Ida
My commission expires: Nov 30th 1920

RECORDED

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

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
08N	31E	12	SESW 40	NESE 40	NWSE 40	
		13	SWSE 40	SESE 40		200
			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
		14	NWSW 40	NESE 40	NWSE 40	480
			NENE 40	SENE 40		80
32E	1	Lot 1 (NENE)	34	Lot 2 (NWNE)	34	
			SENE 40	Lot 3 (NENW)	34	
			SWNW 40	SESW 40	Lot 4 (NWNW)	20
			NWSW 40	SWSW 40	NESW 40	
			NESE 40	NWSE 40	SESW 40	
			SESE 40		SWSE 40	
	2	Lot 1 (NENE)	2	SWNE 3	SENE 30	602
			NESW 3	SWSW 3	SESW 30	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			
	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	
		SESW 40		SESW 40	NWSW 40	
	12	NWNE 40		NENW 40		420
		SWNW 40			NWNW 40	
	14	NENW 40		NWNW 40		160
	15	NENE 40		NWNE 40		80
		SENE 40		NENW 40	Lot 1 (NWNW)	42
		Lot 2 (SWNW)	42	SESW 40		
33E	5	Lot 3 (NENW)	34	Lot 4 (NWNW)	34	324
			SESW 40	NWSW 40	SWNW 40	
	6	Lot 1 (NENE)	34	Lot 2 (NWNE)	34	228
			SENE 40	Lot 3 (NENW)	34	
		Lot 5 (SWNW)	20	SESW 40	Lot 4 (NWNW)	17
		Lot 6 (NWSW)	20	NWSE 40	NESW 40	
			NESE 40		SESW 40	
			SESE 40		SWSE 40	
	7	NENE 40		NWNE 40	SWNE 40	539
		SENE 40		NENW 40	NESE 40	
		NWSE 40		SWSE 40	SESE 40	360
	8	NENW 40		NWNW 40	SWNW 40	
		SESW 40		NESW 40	NWSW 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
				* 5798

Permissible Place of Use Acres:

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

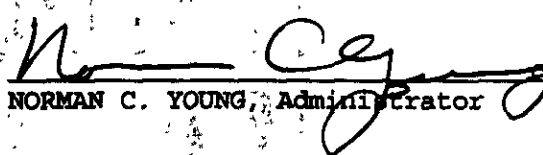
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12. Rights 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093 and 32-00102 when combined shall not exceed the total annual diversion volume of 3360.0 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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TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Reno, Franklin A.	3.2		32-0062
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257	Reno, Eva	3.2	0	32-0062A
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STATE OF IDAHO.
DEPARTMENT OF RECLAMATION.

In the Matter of the Application	)	
of Torrey A. Reno, for Transfer	(	ORDER GRANTING CERTIFICATE.
of Water Right.	)	Case No. 34.
Water District No. 39	(	

This case came on regularly for hearing, pursuant to the published notice, on the 9th day of March, 1920, at Dubois, Idaho, before J. E. Badley, a representative of this Department.

At the time of the hearing, an appearance was made by the applicant herein, wherein certain evidence was offered in support of the application for transfer, as set forth completely in the files herein, and, upon examination of same, it is evident that no one would be injured by granting such transfer, but that loss of water would result from the delivery of a portion of the water to be transferred, down the channel of the stream.

WHEREFORE, It is ordered that said application for transfer be granted, subject to actual losses of the water that may occur, due to change in the point of diversion, which loss may afterwards be determined by this Department, and that a certificate of transfer be issued therefor, in accordance with the Statutes and placed on record in the Department of Reclamation of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 20th day of March, 1920.


Commissioner of Reclamation.

F R C H T.

JUDGE JAMES

Defendants.

within the jurisdiction, a jury having been expressly waived by the respective parties. Present; Messrs. Stanford & Terrell and Messrs. Soule & Soule, appeared as attorneys on behalf of the plaintiffs, and A. M. Bowen, Esq., and J. W. Brown, Esq., appeared as attorneys for the defendants, Frank G. Kortina, a defendant, appeared as counsel, Messrs. Williams & Moon, appeared as attorneys for the defendant, Wood Lime & Rock Company, Thomas J. Weimer, C. R. Watts and H. L. Jones; J. J. Rivers, Esq. and W. L. McConnell, Esq., appeared as attorneys for the defendants, Samuel Goddard, William Goddard, Fred L. Goddard, John Goddard and George Goddard; S.E. Blaine, Esq. appeared as attorney for the defendant, Arch Creek Irrigation Company, a corporation, and T. J. Brown, Esq. and W. L. McConnell, Esq. appeared as attorney for the defendant Edward M. Anderson, Esq., appeared as attorney for the defendant, Oliver Hanson; and Oliver and Oliver, appeared as attorneys for the defendants, M. R. Nichols, Lena Nichols, C. G. Peterson, mentioned in the title of this action as John Roberts, (not the same person as the same person) Gertrude Robertson and Charles Curtis.

numbered one (1) of Section Fifteen (15) in Township Eight (8) North of Range Thirty-two (32) East of the Boise Meridian, in Jefferson County, State of Idaho, containing three hundred and twenty acres:

That Franklin A. Reno, as the successor in interest of Winfield A. Scott, and Elizabeth Scott, do hereby, at all times of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of the said Birch Creek, his right to the use of the same to date from the 1st day of April, 1904, to be used upon and become appurtenant to the following described lands:

The South-west quarter of the South-west quarter of Section Twelve (12), the South-east quarter of the South-east quarter of Section Eleven (11), and the West Half of the North-west quarter of Section Thirteen (13), in Township Ten (10) North of Range Twenty-nine (29) East of the Boise Meridian in Clark County, State of Idaho, containing one hundred and sixty acres:

That Franklin A. Reno, have at all times the use of three and two-tenths (3.2) cubic feet per second of time (one hundred sixty miners' inches) of the waters of the said Birch Creek, his right to the use of the same to date from the 1st day of April, 1904, to be used upon and become appurtenant to the following described lands:

The South-east quarter of the North-east quarter the South-west quarter of the North-east quarter, the North-west quarter of the North-east quarter, and the North-east quarter of the North-east quarter of Section Seven (7), in Township Eight (8) North of Range Thirty-three (33) East of the Boise Meridian, in Jefferson County, State of Idaho, containing one hundred and sixty acres:

That Franklin A. Reno, have at all times the use of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of the said Birch Creek, his right to the use of the same to date from the first day of April, 1904, to be used upon and become appurtenant to the following described lands:

The East half of the South-east quarter and the North-west quarter of the South-east quarter of Section One (1) in Township Eight (8) North of Range Thirty-two (32) East of the Boise Meridian, and Lots numbered Six (6) and Seven (7) of Section six (6) in Township Eight (8) North of Range Thirty-three (33) East of the Boise

That the said Good Live Stock Company, a corporation, after said, as successor
of said Thomas and David Miller, have at all times the use of three and two-
tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches,
of the waters of said Birch Creek, its right to the use of the same to date
from the 10th day of May, 1862, to be used upon and become appurtenant to
the following described lands:

One (1), two (2), and four (4), and the South-east quarter of the South-
west quarter of section nineteen (19), in Township Ten (10) North of Range
Twenty (20) East of the Boise Meridian.

That the said Good Live Stock Company, as the successor in interest of Thomas
and David Miller, have at all times the use of three and two-tenths (3.2) cubic
feet per second of time (one hundred and sixty miners' inches) of the waters of
the said Birch Creek, and also all of the waters of that certain spring, known as
Miller's Spring, a tributary of the said Birch Creek; its right to the use of the
same to date from the 10th day of May, 1867, to be used upon and become appurtenant
to the following described lands:

The North-east quarter of the North-west quarter, and the North Half of the
South-east quarter, of section Thirty (30), and the South-west quarter of the
North-east quarter of section nineteen (19), Township Ten (10) North of Range
Twenty (20) East of the Boise Meridian, containing one hundred and sixty acres,
in Clark County, State of Idaho.

0067 That the said Good Live Stock Company, a corporation, as the successor in
interest of William Golder, also have, at all times, the use of three and two-
tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches)
of the waters of said Birch Creek, its right to the use of the same to date
from the 10th day of May, 1868, to be used upon and become appurtenant to the
following described lands:

The North-east quarter of the North-east quarter, and the North Half of the
South-east quarter, and the South-east quarter of the South-east quarter of section
Twenty (20), in Township Ten (10) North of Range Twenty-nine (29) East of the
Boise Meridian, containing one hundred and sixty acres, in Clark County, State of
Idaho.

That the said Good Live Stock Company, as the successor in interest of J.

Miller, have at all times the use of three and two-tenths (3.2) cubic feet per

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

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^{PS}/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

JUN 27 1999

MEMORANDUM

TO: FILE 32-00062

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
JUN 27 1999

ADMINISTRATIVE UNIT

file
See ~~right~~ No. 32-0061
for correspondence

MICROFILMED

2 / 1993

East half SW¹/₄ Sec.

1. State lands from which the transfer is desired:
25.E¹/₂NW¹/₄ sec. 36.Tsp 8 North Range thirty E. S. N. R. 32.
North half of the North half Section 6. Tsp. 8 N. R. 32.
2. State amount, source, and date of water right, covering the land:
4.0 Cu. Ft. Per Second, Birch Creek, 1.6. May 18. 1886. 2.2
3.2. Cu Ft. per Second
April 1 1904. .8 cu ft. per sec. Aug. 19 1886.
3. State the present point of diversion by 40 acre tract:
Southeast quarter Southeast quarter Sec. 3. T. 8. N. R. 30.
Agnes S. Reno. E¹/₂ SW¹/₄ Sec. 25.
4. Who owns the above described lands:
E¹/₂ NW¹/₄ sec. 36. Tsp 8 N. R. 30 E. B. M. N¹/₂ N¹/₂ Sec 6 Franklin A. Reno.
How obtained: Part by purchase and part by Homestead entry.
5. State how the water right was secured: By Decree.
6. How much of this land is in cultivation and under irrigation: 200 acres
7. State kind of crops: None at this time
8. Is any portion of the above lands swampy, and if so, to what extent: None.
9. When was water first used on the above described lands:
N¹/₂ N¹/₂ Section 11. 1919. E¹/₂ SW¹/₄ Sec. 25. T. 8 N. R. 30. 1918.
E¹/₂ NW¹/₄ Sec. 36. Tsp 8 N. R. 30. 1918.
10. How much of the above described lands will be irrigated if the transfer is granted: None.
11. How much water per acre, will be necessary: None
12. Are there any water rights, other than the one above described, attached to the said lands, and if so, state same: None.
13. Describe the lands to which the transfer is desired:
South East quarter Sec. 7. Southwest quarter Sec. 8. T. 8. N. R. 32 E. B. M.
14. Who is the owner of same, and how acquired:
Eva Reno. Filed on same as Desert Entry.

16. If there is any water right attached to the above lands at present, state source, amount, date, how acquired: none

None.

Used some high water and waste water. Thru the Reno Ditch.

17. State point of diversion: SE SE $\frac{1}{4}$ Sec. 3. Tsp. 8. N.R. 30.

18. How much of this land in cultivation and irrigation: Three hundred acres.

19. How much water per acre is required for these lands: 5/8 Miners inches.

20. If the transfer is granted, describe the new point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3. Tsp. 8. N.R. 30 E. B. 17

21. How long have these lands been irrigated, and what was water last used on them: By waste water for the past three years.

22. How much of the above described lands will be irrigated if the transfer is granted: Three hundred twenty acres.

23. Are any of these lands owned by: Three hundred twenty If so, how many acres? None.

24. What are the reasons for desiring said transfer: None.

Better soil, and grows more crops per acre. and also for a permanent water right.

Eva Jensen
Applicant.

Subscribed and sworn to before me this 11th day of March 1919.

For T. Gallagher
Notary Public
Residing at Reynolds, Ida
My commission expires: Jan 30th 1920

Application for Transfer of Water Right



STATE OF IDAHO,

County of Washington

ss.

Eva Reno

, being first duly sworn, deposes and says:

That ~~his~~ ^{her} name is

Eva Reno

; that ~~she~~ ^{she} is of lawful age, a citizenof the United States and of the State of Idaho, and that ~~his~~ ^{her} postoffice address is

Wilder, Idaho.

That ~~she~~ ^{she} is the owner and using a certain water right, bearing dates of priority of Aug. 19, 1886 & Apr. 1 1904,for four cubic feet per second of the waters of Birch Creek
County of Fremont, State of Idaho, decreed to Clara Granger & F.E. Granger,
and Franklin A. Renoby decree of Judge, J. G. Gwinn, of the Ninth Judicial District of the State of
Idaho, in and for the County of Fremont, in the case of Agnes B. Reno et al.

vs. J. R. Richards, et al., said decree bearing date of June 1915.

~~As obtained by virtue of license No. xxxxxxxx, issued to the State Engineer of the State of Idaho,~~
~~xxxx~~, 19), bearing date of priority of Aug. 19, 1886, and April 1, 1904,

for the purpose of irrigating the following described lands situate, lying and being in Water District

Fremont and

No. in the County of Jefferson and State of Idaho, to wit, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 25,
and E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 36, T. 8 N., R. 30 E., Fremont County (water for which
was decreed to Clara Granger and F. E. Granger), and S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T. 8 N., R. 33 E. (water for which was decreed to
Franklin A. Reno),

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 man-
ner, to wit: deed from Agnes B. Reno and Jerome F. Reno, her husband, and
deed from Franklin A. Reno, —

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 at NW $\frac{1}{4}$ Sec. 25, T. 8 N., R.30 E., and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, T. 8 N., R. 30 E.and conducted to the above described lands through proposed new ditch and the old
Reno ditch, combined

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

That affiant and petitioner desires to abandon the use of four 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:SE $\frac{1}{4}$ Section 7 and the SW $\frac{1}{4}$ Section 8, Township 8 north, Range 33 E.That his reasons for desiring to make such transfer are as follows: The water is no
longer required on the land for which the water is abandoned, and
it is absolutely necessary to procure the transfer in order to procure
title to said SE $\frac{1}{4}$ Sec. 7 and the SW $\frac{1}{4}$ Sec. 8, T. 8 N., R. 33 E., said
land being now in an unperfected desert-land entry.

That he intends to divert and convey said four second feet of water to the tract of land last above described in the following manner, to wit: Through a proposed new ditch diverting said water from Birch creek at a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, Twp. 9 N., Range 30 E., and running thence southeasterly to a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, Twp. 8 N., R. 31 E., where it will connect with the old Reno ditch, and thence in a generally easterly course to the land to be irrigated; but for the present the point of diversion will be in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, T. 8 N., R. 30 E., as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Master of Water District No. , in accordance with the provisions of Section 3264 of the Revised Codes of Idaho, as amended.

Eva Reno

Subscribed and sworn to before me this 15 day of November, 1919.

A. D. 1919.

Jos. C. Gentry
Notary Public for the State of Idaho,
Residing at Weiser, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Birch creek.
Where is the diversion point located? No. 1 is in NW $\frac{1}{4}$ Sec. 25, T. 8 N., R. 30 E., and the other is in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3-8N-30 E.
Through what ditch is it now conducted? The old Kuharski ditch and the Reno ditch.
How much land is now irrigated by the water sought to be transferred? Two hundred .8 of a cu. ft. now used on the E $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25 and E $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36, T. 8 N., R. 30 E., and 3.2 cubic feet now used on the S $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T. 8 N., R. 33 E.
What is the total amount of water in inches, or second feet, dedicated to said land? 3.2 cubic feet per second decreed to each of these two 160-acre tracts.
What kind of crops are being raised? Hay and grain.
How much water per acre is now required to irrigate said land? One inch per acre.
What will be the effect on the land now irrigated, if the use of water on it is discontinued? It will probably revert to its native state.
From what stream will the water be diverted if the transfer is made? Birch creek.
Give location of new point of diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, T. 8 N., R. 30 E., but there will be a ditch built later as shown on map, "Proposed new ditch."
Through what ditch will it be conducted after transfer? The Reno ditch.
How much water will be required per acre to irrigate the land to which this water is transferred? 5/8 of a miner's inch per acre.
Do you claim any other water right for the land from which you seek to abandon the use of this water? No.
Is there now any other water right for the land to which you seek to make this transfer? No.

Signed *Eva Reno*
Applicant.

STATE OF IDAHO,

County of

Clark

ss.

A. H. Clark

and

Fred Woodie

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 huckers

that he is a user of water from Birch Creek, in Water District No. 39,
County of Jefferson and

Fremont, State of Idaho; that he has read or heard read the foregoing affi-

davit and petition of Eva 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, Provided that shortage caused by such

transfer are taken into account

by the Commission

Fred Woodie

Subscribed and sworn to before me this 12 day of November

A. D. 19 19.

Notary Public for the State of Idaho,
Residing at huckers Idaho

STATE OF IDAHO,

County of

Clark

ss.

I, E. C. Gilstrap, Watermaster of Birch Creek

Water District No. 39, County of Clark, State of Idaho, whose postoffice address

is winner, have read or heard read the foregoing affidavit and petition

of Eva 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:

E. C. Gilstrap

Watermaster, Dist. No. 39

Dated at winner, Idaho, this November day of 10, 1919

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