

Proof of Publication

State of Idaho, }
County of Bonneville } ss.

I, EDWIN F. MC DERMOTT, first being duly sworn, deposes and says: That I am the PRINCIPAL CLERK of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said The Post-Register being a consolidation of The Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of the notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for TWO (2) consecutive weeks, first publication having been made on the 17TH day of SEPTEMBER, 1934, last publication having been made on the 24TH day of SEPTEMBER, 1934, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 26TH day of SEPTEMBER, 1934.

Edwin F. McDermott
Edw. F. McDermott
Notary Public.

My commission expires FEBY. 6, 1938

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

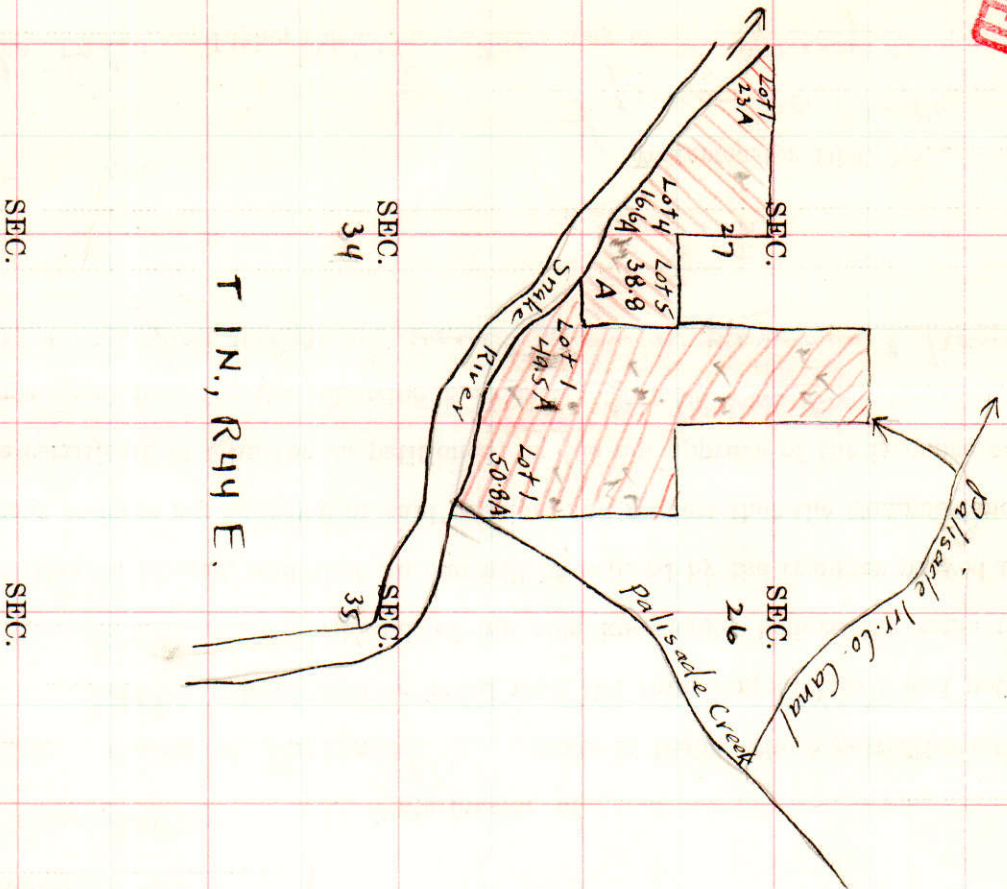
Notice is hereby given that H. J. Burton of Irwin, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 1.2 cubic feet per second of the water of Palisade Creek from the land upon which it is now used, i. e. SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 26, SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of section 27, lot 1 of section 34 and Lot 1 of section 35, all in Township 1 North, Range 44 East, B. M., to the following described tract: NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and Lots 1 and 4 of Section 27, Township 1 North Range 44 East, B. M.

And that, on the 28th day of September, A. D. 1934, at Boise, Idaho, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.
R. W. FARIS,
Commissioner of Reclamation.
Pub. Sept. 17-24, 1934.

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



Name of Applicant

H. J. Butten

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

	Burton, Hannah	3.0		23-0061
536	Burton, H. J.	0.5	2.5	23-0061A

R

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 538.

23-0061

THIS IS TO CERTIFY That H. J. BURTON is the owner of and
using certain water rights for

3.0~~2~~5 sec. feet, priority date of May 20, 1889 -
4.2~~8~~5 " " " " of June 30, 1890

of the waters of Palisade Creek, tributary to the South Fork of the
Snake River, County of Bonneville, State of Idaho, decreed to Hannah
Burton by the Decree of Judge Stevens, of the Sixth Judicial District
of the State of Idaho, in and for the County of Fremont, in the case of

Rexburg Irrigation Company vs. The Teton Irrigation Canal Co.
said decree bearing date of December 16, 1910, for the purpose of irri-
gating the following described lands situate lying and being in Water
District No. 36, in the County of Bonneville, State of Idaho, to wit:

SW₁ SW₁ of Sec. 26, SE₁ NE₁ of Sec. 27, E₂
SE₁ of Sec. 27, Lot 1, Sec. 34, Lot 1, Sec.
35, T. 1 N., R. 44 E., B. M.

AND THAT Said Decree has been entered in the records of the
Department of Reclamation of the State of Idaho, in Book 3 of Decrees,
at Page 450.

THAT THE Said H. J. BURTON became the owner of said land and said
water rights by deed thereof.

THAT NOW, UPON THE APPLICATION of H. J. BURTON for a transfer of

0.5 sec. feet as of May 20, 1889
0.7 " " " " June 30, 1890

of the said waters made before the Commissioner of Reclamation of the State
of Idaho and said Application having been granted, the rights to the use of

1.2 sec. feet of the waters of Palisade Creek
upon the lands above described is hereby ABANDONED and the lands to be irri-
gated under such right and to which the water right hereby confirmed shall
become a purtenant by the certificate for irrigation and domestic purposes,
is described as follows:

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NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 1 and 4, Section 27, Twp.
1 North, Range 44 East

situate, lying and being in the County of Bonneville, State of Idaho, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amounts to wit:

0.5 sec. feet as of May 20, 1889
0.7 " " " " June 20, 1890

THE WATER RIGHT HEREBY Transferred has heretofore been diverted from said Palisade Creek in the

SE $\frac{1}{4}$ of Sec. 26, T. 1 N., R. 44 E.,

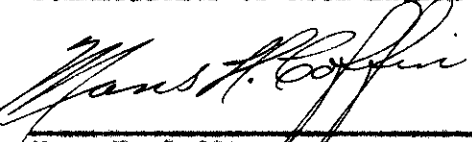
and conducted to the first above described lands through the Palisade Irrigation Company's Ditch and will hereafter be diverted from Palisade Creek, at the same point and conducted to the last above described lands through the same ditch.

THAT, IN ADDITION TO THE FOREGOING RIGHT, The last above named lands have appurtenant to them no other water rights.

THAT THE RIGHT TO THE USE Of the water aforesaid, hereby confirmed is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I Have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of October, 1934.

R. W. FARIS
Commissioner of Reclamation

By 
Mans H. Coffin
Director of Water Resources

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In The Matter Of The Application Of	)	
	)	
H. J. BURTON	:	ORDER GRANTING TRANSFER
	)	
For A Transfer of Water, County of	)	
Bonneville.	)	

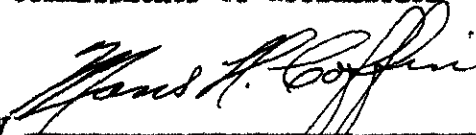
WHEREAS, On the 28th day of September at the Department of Reclamation of the State of Idaho, the matter of the application of H. J. BURTON for a Transfer of Water Right came on regularly for hearing, pursuant to the published notice; and

WHEREAS, No protest has been filed against 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;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be and the same is HEREBY GRANTED and that a Certificate of Transfer of Water Right be issued the applicant herein, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I Have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 15th day of October, 1954.

R. W. FARIS
Commissioner of Reclamation

By 
Mans H. Coffin
Director of Water Resources

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RECEIVED

FEB 27 1911

OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREEMONT.

Maxburg Irrigation Company, et al.,

PLAINTIFFS,

DECREE.

-V-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this _____ day of _____
1910, upon the report of F. J. Cowen, Referee heretofore appointed
for the purpose of taking the testimony and making recommendations
as to Findings of Fact, Conclusions of Law and Decree, to be entered
herein, and the said F. J. Cowen, having filed his report of the
testimony taken, and his recommendations as to Findings of Fact
and Conclusions of Law, which have heretofore been adopted, and the
respective plaintiffs and defendants and cross-complainants appearing
herein by their respective counsel, and the Court being fully informed
and advised in the premises, and having ordered that judgment be
entered in accordance with the report and recommendations of the said
Referee, wherefore, by reason of the law and the Report and Findings
of Fact and Conclusions of Law aforesaid,

It is ordered, Adjudged and Decreed, that the several parties
plaintiffs and defendants herein named, do have judgment respectively
for a right to use, for irrigation and other purposes, the following
number of inches of water, each fifty inches thereof to be equivalent
to a flow of one cubic foot per second, as prescribed by the law

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Buck, James

The Farmers' Friend,
Canal Company.

Buck, John H.

The Farmers' Friend
Canal Company.Burgess Ditch
Company.(See C. J. Almy and
Simington Nedrow.)~~21-0094~~ 1 C29
Burgess Canal &
Irrigation
Company.

500 inches. June 10, 1886. Snake River, South Fork

~~21-0095~~ 1 C30
Burgess Canal &
Irrigation
Company.

500 inches. June 10, 1887. Snake River, South Fork.

~~21-0096~~ 1 C31
Burgess Canal &
Irrigation
Company

19,000 inches. June 10, 1888. Snake River, South Fork.

~~21-0097~~ 1 C32
Burgess Canal &
Irrigation
Company.

12,000 inches. June 10, 1890. Snake River, South Fork.

~~21-0098~~ 1 C33
Burgess Canal &
Irrigation
Company

8,000 inches. June 1, 1895. Snake River, South Fork.

Burkenshaw,
BenjaminThe Farmers' Friend
Canal Company.Burkenshaw,
ThomasThe Farmers' Friend
Canal Company.~~21-0099~~ 23-0073
1-684
Burney, Peter

40 inches. June 1, 1901. Palisade Creek.

Burtenshaw,
WilliamEnterprise Canal
Company.Burton, C., Jr.
and W. S., and
Robert Blamires.(See Robert Blamires,
and C. Burton, Jr.,
and W. S. Burton.)~~21-0100~~ 23-0061
Burton, Hannah

150 inches. May 20, 1889. Palisade Creek. 534

~~21-0101~~ 23-0062
Burton, Hannah

210 inches. June 30, 1890. Palisade Creek. 534

Bush Brothers

The Farmers' Friend
Canal Company.~~21-0102~~ 22 C185
Bush, George W.

100 inches. June 1, 1896. Fox Creek.

~~21-0103~~ 22 C186
Bush, George W.

20 inches. June 1, 1897. Darby Creek.

~~21-0104~~ 22 C187
Bush, George W.

40 inches. June 1, 1896. Fox Creek.

~~21-0105~~ 22 C188
Bush, George W..

120 inches. June 1, 1900. Fox Creek.

MICROFILMED



ROBERT E. SMYLLIE, GOVERNOR

Geo. N. Carter
~~Watermaster~~

STATE RECLAMATION ENGINEER

STATE of IDAHO
DEPARTMENT OF RECLAMATION
LYNN CRANDALL, WATERMASTER
BOX 697
IDAHO FALLS, IDAHO

WATER DISTRICT No 36

September 11, 1958

RECEIVED
SEP 12 1958

Department of Reclamation

Mr. George N. Carter
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Carter:

In reply to yours of the 9th instant, relative to Burton water right:

The amounts transferred by Certificate 536 were 0.5 second-feet of May 12, 1889 and 0.7 second-feet of June 30, 1890, instead of .05 second-feet and .07 second-feet as stated in your letter and the latter right is 1890 instead of 1900.

The recital of 2.5 and 3.5 second-feet as set out in the application were the amounts left after the transfer was made but were inadvertently stated to be the original right. You better correct the certificate to correspond. A watermaster's mind would be a little foggy in the summer of 1934 when this transfer application was made. My recollection is that Burton was the owner at that time of both tracts of land and had been using the water on both tracts and desired to confirm such usage by a formal transfer.

Very truly yours,

Lynn Crandall

Lynn Crandall
Watermaster

MICROFILMED

Idaho Falls, Idaho

September 11, 1958

Mr. H. L. Crandall, Jr.
Cook Real Estate Company
Box 256
Idaho Falls, Idaho

Dear Mr. Crandall:

Mr. George Carter has forwarded to me for reply your letter of September 5 relative to certain water rights.

Hannah Burton was decreed 150 inches of May 20, 1889 and 210 inches June 30, 1890 of Palisades Creek waters for use on E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 5 of Sec. 27, containing 158.8 acres, and Lot 1, Sec. 34, Lot 1, Sec. 35, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, containing 79.60 acres, all in T. 1 N., R. 44 E. By transfer certificate No. 536 there was transferred from the above lands except Lot 5, rights of 0.5 second-foot May 20, 1889, and 0.7 second-foot June 30, 1890, to NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 1 and 4, Sec. 27, T. 1 N., R. 44 E.

The lands you describe are Lots 1, 4, 5, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27. Mr. Burton has evidently split his original land up into parcels. When he sold these separate tracts he could have conveyed in the deed any specific portions of his decreed right that he might have desired. If he did not do this I would say that the rights on the several parcels would be in proportion to acreage.

I don't know the acreages in the various lots but if you have these figures or can get them from the county assessor you can calculate the right on the land you describe as follows, assuming Burton didn't convey specific amounts of water in deeds he gave.

1. Lots 1 and 4. This land was a portion of that to which the water was transferred by Certificate No. 536. It would have a part of each of the transferred amounts in the ratio that acreages of Lots 1 and 4 bears to 40 acres plus those two lot acreages.

2. Lot 5. The rights for this lot would be the ratio of its acreage to 238.4 acres times 3.0 second-foot May 20, 1889, and 4.2 second-foot June 30, 1890.

UNRECORDED

Page 2
H. L. Crandall
9-11-58

3. ~~NE 1/4~~^{SE 1/4}. First subtract the water right of Lot 5 as above determined from the original decree of

3.0 second-feet May 20, 1889

4.2 second-feet June 30, 1890.

Then subtract further the amounts transferred in Certificate No. 536. This will give the present rights on the lands from which the water was transferred.

Subtract the acreage of Lot 5 from 238.4 acres and determine the ratio of 40 acres to such result. Multiply this by the above determined present rights.

We haven't tried to keep track of all these changes of titles and rights in our list of water rights used by the deputy watermasters as there has been no change in point of diversion or total amount. We just list the original decree to Hannah Burton which is doubtless the reason for the Deputy watermaster's statement.

Very truly yours,

Lynn Crandall
Watermaster

cc: Geo. N. Carter, Boise
Vern Kidwell, Holden & Holden, Idaho Falls
David Peterson, Irwin

UNRECORDED

Cook
Real Estate Co.

Stock Ranches
Irrigated and Dry Farms
Homes and Business Properties
Loans and Insurance

P. O. Box 256
Dial JACKSON 2-4090
456 B Street
Boise Falls, Idaho

September 5, 1958

RECEIVED
SEP 8 1958
Department of Reclamation

Mr. George Carter
State Reclamation Engineer
Boise, Idaho

Dear Mr. Carter:

We are trying to run down the water right to Lots: 1, 4 & 5 and the Northeast Quarter Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) Section 27 Township 1 North, Range 44 East of the Boise Meridian.

The water right comes from the Palisade Canal and I think was decreed to Hannah Burton under dates of May 20, 1889 and June 30, 1890. The present owner of the property as well as the past owner and the retired water master claim there is 150 inches of water decreed to this property.

All of the information I have been able to get is that the property has 118.56 inches. We will appreciate your giving us the benefit of the information contained in the records in your office.

Thank you for your co-operation.

Sincerely

COOK REAL ESTATE COMPANY

H. L. Crandall Jr.

H. L. Crandall Jr.

HLC:ld

MICROFILMED

September 9, 1958

Re: Transfer of Water Right No. 536

Mr. Lynn Crandall
P. O. Box 697
Idaho Falls, Idaho

Dear Mr. Crandall:

We are enclosing a letter received from Mr. H. L. Crandall, Jr., as we are not quite sure that we can answer same correctly.

By Transfer of Water Right No. 536, the amount of .05 second feet as of May 12, 1889 and .07 second feet as of June 30, 1900 was transferred to other lands. ~~1890~~

What really bothers us is that in the original transfer made out by yourself, signifies that H. J. Burton is the owner of and using a certain water right of 2.5 second feet of May 20, 1889 and 3.5 second feet of June 30, 1890. The records indicate that Hannah Burton is the owner of 3 second feet of May 20, 1889 and 4.2 second feet of June 30, 1890.

We believe however, from checking our records that Transfer No. 536 was the only transfer in connection with these lands.

Will you kindly answer the Cook Real Estate letter and supply them with the correct information, sending us a copy of your letter.

We are enclosing a letter and a reply from Mr. R. Vern Kidwell, of Idaho Falls, relative to the same question.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:lw
Enclosures

MICROFILMED

LAW OFFICES

HOLDEN, HOLDEN & KIDWELL

IDAHO FIRST NATIONAL BANK BUILDING

IDAHO FALLS, IDAHO

JACKSON 3-0620

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL

HOWARD R. STINSON (1905-1957)
REED A. WILLIAMS
BLAINE S. BUTLER

OF COUNSEL:
ARTHUR W. HOLDEN

AUGUST 25, 1958

RECEIVED
AUG 26 1958

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

GENTLEMEN:

WE ARE DESIROUS OF SECURING INFORMATION AS TO THE
WATER RIGHTS APPURTENANT TO THE FOLLOWING DESCRIBED
PROPERTY IN BONNEVILLE COUNTY, IDAHO, TO-WIT:

LOTS 1, 4, AND 5, AND THE NORTHEAST QUARTER OF
THE SOUTHWEST QUARTER (NE 1/4 SW 1/4) OF SECTION 27,
TOWNSHIP 1 NORTH, RANGE 14 EAST OF THE BOISE
MERIDIAN.

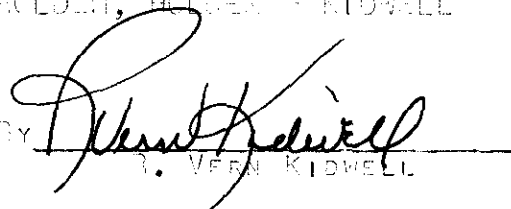
WE UNDERSTAND THESE PREMISES AT ONE TIME WERE COVERED
BY A TRANSFERRED RIGHT, NO. 536 IN THE NAME OF HANNAH
BURTON. WE ARE UNCERTAIN AS TO ANY OTHER RIGHTS WHICH
SHE MAY HAVE, OR WHICH MAY AFFECT THESE PROPERTIES.

THIS INFORMATION WILL BE SINCERELY APPRECIATED.

VERY TRULY YOURS,

HOLDEN, HOLDEN & KIDWELL

BY


R. VERN KIDWELL

BVK:JK

MICROFILMED

GEO. N. CARTER
~~Assistant~~

August 26, 1958

Holden, Holden & Kidwell
Idaho First National Bank Bldg.
Idaho Falls, Idaho

Attention: R. Vern Kidwell

Dear Mr. Kidwell:

We are sending you an extra copy of Transfer of Water Right, Certificate No. 536. You will note on the last page that there are no other water rights appurtenant to the land.

In the Raxburg Decree Hannah Burton was decreed 150 inches of May 20, 1889 and 210 inches of June 30, 1890 priorities from Palisade Creek for irrigation of E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and Lot 5 Section 27, Township 1 North, Range 44 East, B.M., containing 158.80 acres. Also Lot 1 of Section 34, Lot 1 of Section 35, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 1 North, Range 44 East, B.M., containing 79.60 acres. The transfer does not mention Lot 5 which is shown in our copy of the Decree.

There are no other transfers of water right from Palisade Creek affecting the above described lands.

There are no valid permits of record for irrigation water out of Palisade Creek since the date of the transfer.

Very truly yours,

Geo. N. Carter
State Reclamation Engineer

RT/nls
Enc.

MICROFILMED

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

Date Sept. 14, 1934

**The Post Register,
Idaho Falls, Idaho.**

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two}~~four~~ consecutive weeks prior to Sept. 28th, the date set for proof, the expense of the publication to be paid by the applicant, H. J. Burton, through his agent Mr. J. A. Farroll of Idaho Falls.

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

By.....
Director of Water Resources.

MICROFILMED

Notice of Proposed Transfer of Water Right

Notice is hereby given that H. J. Burton of Irwin
Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 1.2 cubic feet per second
 of the water of Palisade Creek

from the land upon which it is now used, i. e. SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 26, SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of section 27, lot 1 of section 34 and Lot 1 of section 35, all in Township 1 North, Range 44 East, B. H.
 to the following described tract NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and Lots 1 and 4 of Section 27, Township 1 North Range 44 East, B. H.

And that, on the 28th day of September, A. D. 1924, at Boise, Idaho
 before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

R. W. FARIS

Commissioner of Reclamation.

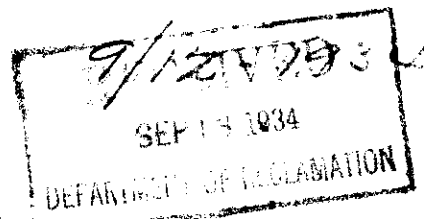
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Mr R W Faris,

Commissioner of Reclamation,
Boise, Idaho

Idaho Falls,

Idaho



Dear Sir on 8/27 - we mailed your application for transfer of water right, signed by the Applicant H J Burton of Irwin, Idaho, as yet we have not received copies of publication notice, and wondered if they had become lost, will you kindly advise me on the matter.

Thanking you I am
Very truly,

J. A. Ferrell agt
for the Applicant, H J Burton.

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State of Idaho

DEPARTMENT OF RECLAMATION

No 15221

Boise, Idaho,

10-19

1934

RECEIVED
ASMJae A. Furrill
and

of

Idaho Falls, 1.00

DOLLARS

FOR

Carey Act Trust Fund - - - \$

Application for Permit No. - - - \$

Proofs - - - - - \$

Certified Copy - - - - - \$

Recording Deed - - - - - \$

Certificate of Transfer \$ 1.00

Total - - - \$ 1.00

R. W. Jarvis

Commissioner of Reclamation

By

Paul L. Henry

October 18, 1934

Mr. J. A. FERRELL
Idaho Falls
I d a h o

Dear Mr. Ferrell:

Enclosed find Order Granting Transfer and Certificate of Transfer issued to Mr. H. J. BURTON, as per your request.

A fee is due this Department of one dollar (\$1.00) for the issuance of this Certificate.

We trust that you will remit promptly.

Yours very truly,

Mans H. Coffin
Director of Water Resources

MHC:ci
Encl.

MICROFILMED

October 18, 1934

Mr. LYNN CRANDALL
Watermaster, Dist. 36
Idaho Falls, Idaho

Dear Mr. Crandall:

We are enclosing a copy of a Transfer of Water right issued to Mr. H. J. BURTON, for the waters of Palisade Creek in Swan Valley.

Yours very truly,

Mano H. Coffin
Director of Water Resources
Department of Reclamation

MHC:el
Encl.

MICROFILMED

October 9, 1934

Mr. J. A. FERRELL
Idaho Falls,
I d a h o

Dear Mr. Ferrell:

Under date of September 14 we mailed a Notice for Publication of a request for a Transfer of Water to the Post Register of Idaho Falls.

In this notice we requested this newspaper to furnish us a copy of this publication. Such a copy has never been received.

Under date of September 29, we wrote to the Post Register requesting an affidavit of this publication. This must be received before the Transfer can be allowed.

Apparently, for some reason or other the Post Register does not care to furnish us with the necessary affidavit. Will you kindly see that this is furnished and then the Transfer requested can be immediately consummated.

Yours very truly,

Mans H. Coffin
Department of Reclamation
Director of Water Resources

MHC:cl

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C. BEN ROSS, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
R. W. FARIS, COMMISSIONER
BOISE

BUREAU OF WATER RESOURCES
MANS H. COFFIN
DIRECTOR

October 9, 1934

Mr. J. A. FERRELL
Idaho Falls,
I d a h o

Dear Mr. Ferrell:

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Apparently, for some reason or other the Post Register does not care to furnish us with the necessary affidavit. Will you kindly see that this is furnished and then the Transfer requested can be immediately consummated.

Yours very truly,

A handwritten signature in cursive script, reading "Mans H. Coffin".

Mans H. Coffin
Department of Reclamation
Director of Water Resources

MHC:ci

RECEIVED

Dollars spent in
The Post-Register
come back to you
. . . In 1933 The
Post-Register spent
\$20,000 more in
Idaho Falls than it
received from
local advertising
revenues

The Post-Register

Capital Avenue

Phone 1200

Idaho Falls, Idaho,

193

J. J. Ferrell

Statement of your account for

193

Terms: Net Cash, due on or before 10th of month following purchase

The Post-Register
\$1,000.00 weekly
payroll is spent
with Post-Register
advertisers. Your
advertising dollars
come back to
you

Barton Jarvis legal etc

4.50

4.50

*Paid 10/11/34
Post-Register
Bank*

NOT RECORDED



All Checking Proofs Furnished by . . .
ADVERTISING CHECKING BUREAU, INC.
70 MADISON AVE., NEW YORK
236 SO. CLARK ST., CHICAGO
52 CALIFORNIA ST., SAN FRANCISCO

Pay Last Amount in Balance Column

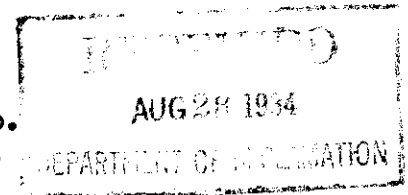
CHAS. J. UPHAM

"THE INSURANCE MAN"

ROGERS BLDG.
IDAHO FALLS, IDAHO

TELEPHONES
OFFICE 210
RESIDENCE 213

Idaho Falls, Idaho.
August, 27th, 1934.



Mr. R.W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

With this enclosed you will please find application for transfer of water right, signed by the applicant, H.J. Burton, of Irwin, Idaho.

This property is under mortgage to J.A. Ferrell, of Idaho Falls, Idaho, and copies of publication or notice should be mailed to him, for the reason that he will handle the matter for Mr. Burton, who because of the distance from Idaho Falls, would not be able to give the matter prompt attention.

We trust that you will find this application in order, and that you will acknowledge same either to my self or Mr. J.A. Ferrell, and oblige,

Yours truly,


Friend of Applicant.

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Proof of Publication

State of Idaho, }
County of Bonneville } ss.

I, EDWIN F. MC DERMOTT

, first being duly sworn, deposes and says: That I am the PRINCIPAL CLERK of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said The Post-Register being a consolidation of The Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of the notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for TWO (2) consecutive weeks, first publication having been made on the 17TH day of SEPTEMBER, 1934, last publication having been made on the 24TH day of SEPTEMBER, 1934, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 26TH day of SEPTEMBER, 1934.

[Signature]
Notary Public.

My commission expires FEBY. 6, 1938

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that H. J. Burton of Irwin, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 1.2 cubic feet per second of the water of Fallsade Creek from the land upon which it is now used, i. e. SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 26, SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of section 27, lot 1 of section 34 and Lot 1 of section 35, all in Township 1 North, Range 44 East, B. M., to the following described tract: NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and Lots 1 and 4 of Section 27, Township 1 North, Range 44 East, B. M.

And that, on the 28th day of September, A. D. 1934, at Boise, Idaho, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.
R. W. FARIS,
Commissioner of Reclamation.
Pub. Sept. 17-24, 1934.

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STATE OF IDAHO,

County of

} SS.

and

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.....
that he is a user of water from....., in Water District No.....
County of....., State of Idaho; that he has read or heard read the foregoing affidavit and petition of.....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.

Subscribed and sworn to before me this.....day of.....

A. D. 19.....

STATE OF IDAHO,

County of.....

} SS.

I, Lynn Randall, Watermaster of.....

Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address is Idaho Falls, Idaho, have read or heard read the foregoing affidavit and petition

of H. J. Burton, 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: Water has been used on

land for years + higher use will result from a permanent transfer

Watermaster Dist. No. 36

Lynn Randall

Dated at Idaho Falls, Idaho, this 20 day of aug, 1934

RECORDED

Name of Applicant..... H. J. Burton

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.

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SEC.

SEC. 26

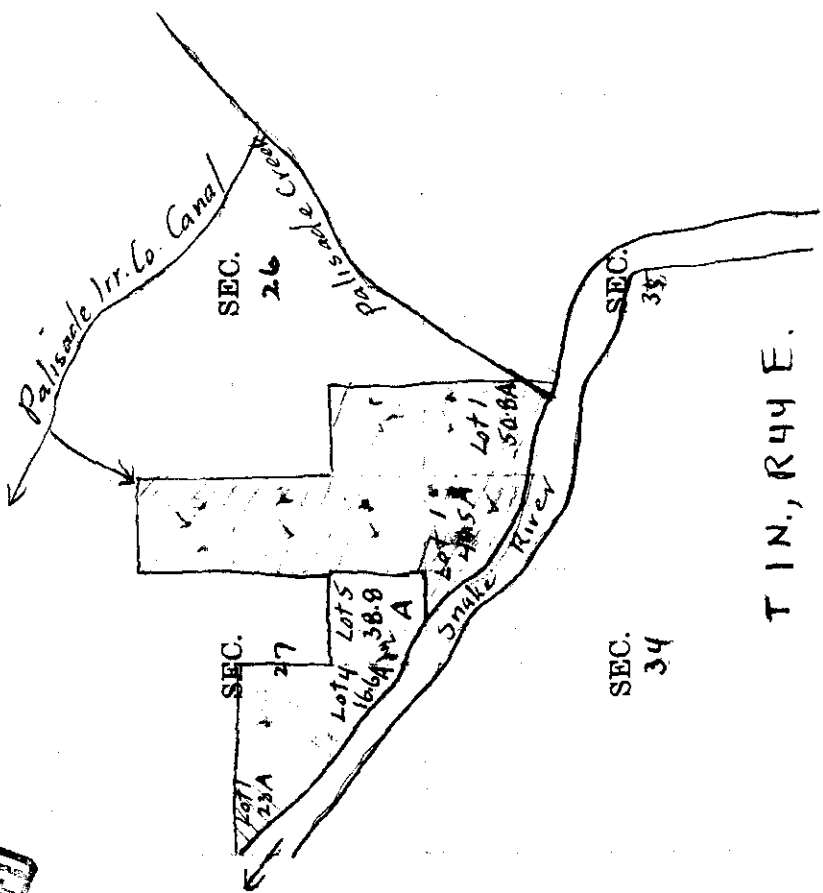
SEC. 35

SEC.

SEC. 27

SEC. 34

SEC.



T 1 N., R 44 E.

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Application For Transfer of Water Right

STATE OF IDAHO,

County of Bonnerville

} ss.

H. J. Burton

, being first duly sworn, deposes and says:

That his name is H. J. Burton; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Irwin, Idaho3^d2.5 sec. ft. May 20, 1889 and

That he is the owner and using a certain water right, bearing date of priority of 19
3.5 sec. ft. June 30, 1890

for cubic feet per second of the waters of Palisade Creek

County of Bonnerville, State of Idaho, decreed to Hannah Burton

by decree of Judge, Stevens of the 6th Judicial District of the State of

Idaho, in and for the County of Fremont, in the case of Rexburg In. Co.

vs. Teton In. Co., said decree bearing date of Dec 16, 1910

(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. 36 in the County of Bonnerville and State of Idaho, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 27; Lot 1 Sec 34, Lot 1 Sec 35
T 1 N., R 44 E., B. M.

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

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 S. E $\frac{1}{4}$ of Section 26, Township 1 N, Range 44 E, B. M., and conducted to the above described lands through Palisade In. Co. Canal

as per map herewith and of this affidavit made a part; 2.5 sec. ft. May 20, 1889 and

That affiant and petitioner desires to abandon the use of 0.7 sec. ft. June 30, 1890 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 Bonnerville and State of Idaho, to-wit:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 1 and 4 Sec. 27, T 1 N, R 44 E.

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

To facilitate more economical use of water which has actually been used on lands last described for many years.

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That he intends to divert and convey said 1.2 second feet of water to the tract of land last above described in the following manner, to-wit:

Thru same ditch as at present - No change in point of diversion from Palisade Creek.

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.

X H J Burton

Applicant.

Subscribed and sworn to before me this 27 day of August

A. D. 1934

Ralph R. Albright

Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Palisade Creek

Where is the diversion point located? SE 1/4 Sec 26 T1N R44E

Through what ditch is it now conducted? Palisade Ir. Co.

How much land is now irrigated by the water sought to be transferred? About 50 acres

Give the description: Parts of SW 1/4 SW 1/4 Sec 26; SE 1/4 NE 1/4 Sec 27; E 1/2 SE 1/4 Sec 27

Lot 1, Sec 34, Lot 1 Sec 35 T1N, R44E.

What is the total amount of water in inches, or second feet, dedicated to said land? 6 ac ft

What kind of crops are being raised? hay, grain, pasture

How much water per acre is now required to irrigate said land? 1 to 1 1/2 inches

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

Will still continue to farm same with remaining water

Give location of new point of diversion, if change is to be made No. Change

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

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

1 inch per acre

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source. No.

Is there now any other water right for the land to which you seek to make this transfer? If so,

give amount, date and source. No.

X Signed H J Burton

Applicant.

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