

PROOF OF PUBLICATION

STATE OF IDAHO, }
County of Bonneville, } ss.

I, W. S. Snyder, being first duly sworn, upon my oath say: That I am the manager of THE REGISTER PRINTING & PUBLISHING COMPANY, a corporation of Idaho Falls, Bonneville County, Idaho, the publisher of THE TIMES-REGISTER, a semi-weekly newspaper published on Tuesdays and Fridays, at Idaho Falls, Idaho; said THE TIMES-REGISTER being a consolidation of THE IDAHO FALLS TIMES, established in the year 1890 and THE IDAHO REGISTER, established in the year 1880, such consolidation having been made on the 17th day of September, 1920, and each of said newspapers having been published continuously and uninterruptedly, prior to such consolidation, for more than seventy-eight (78) weeks and said THE TIMES-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 THE TIMES-REGISTER once a week for Two consecutive weeks, and that such publications were made on the following dates, to-wit:

Mar - 9 - 16 - 1928

and that the said notice was published in the regular entire issue of said paper on the respective dates of publication, as aforesaid, and that such notice was published in the newspaper, and not in the supplement.

Subscribed in my presence and sworn to before me this 20th day of March, 1928

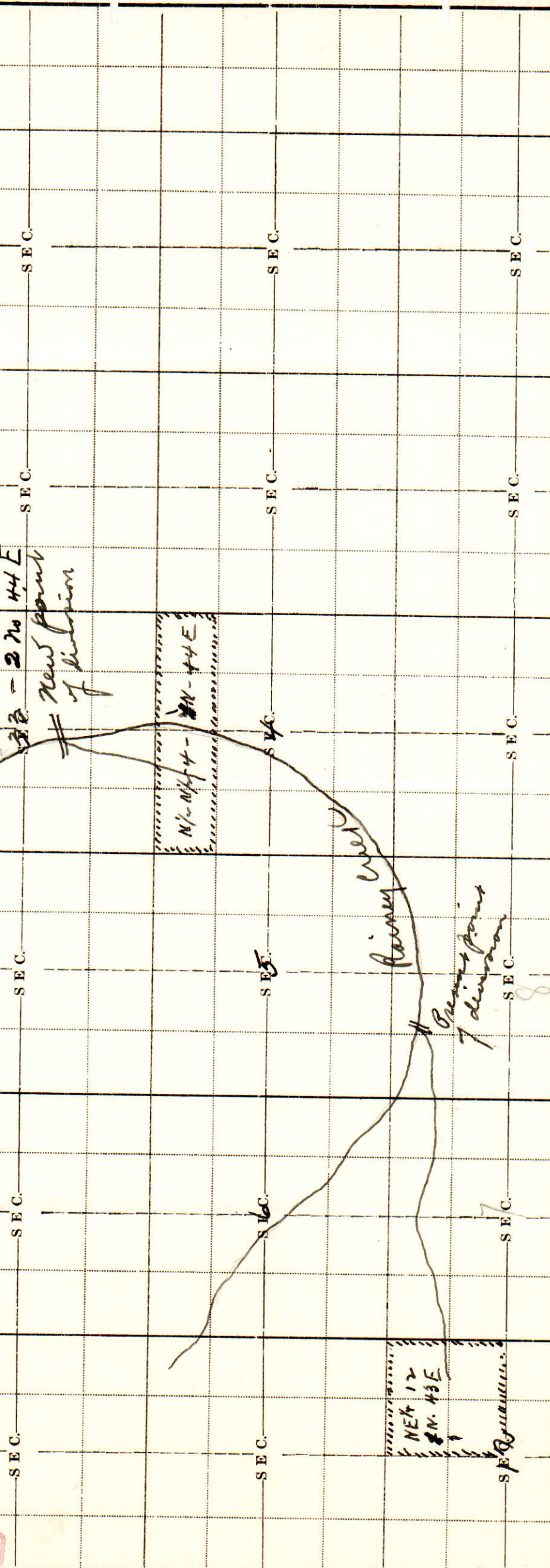
[Signature]
Clerk of the District Court, Ninth Judicial District, Idaho.
Residing at Idaho Falls, Idaho.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT—Notice is hereby given that Frew Brothers, consisting of H. C. and Wallace Frew, of Swan Valley, Idaho, have applied to the commissioner of reclamation of the state of Idaho for a certificate authorizing them to transfer the use of 1.6 second feet of the water of Rainey creek, from the land upon which it is now used, i. e. northeast quarter (NE ¼), section 12, township 1 N., range 43 E. B. M., to the following described tract: north half of north half (N ½ of N ½), section 4, township 1 N., range 44 E. B. M. And that, on the 17th day of March, A. D., 1928, at 10 o'clock a. m., at the department of reclamation, State House, Boise, before the commissioner of reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer. GEO. N. CARTER, Commissioner of Reclamation. Pub. T-R Mar. 9-16.

Paid by
Frank Beam
3/16/28

NAME OF APPLICANT

MICROFILMED



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

	McGibbon, John	1.6		23-0046
419	Frew Brothers	1.6		23-0046
860	Beam, Richard	1.6		23-0046

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S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N
C E R T I F I C A T E O F W A T E R R I G H T
T r a n s f e r r e d R i g h t N o . 4 1 9 .

This is to certify that Frew Brothers (H. C. & Wallace Frew) of Swan Valley, County of Bonneville, State of Idaho, have a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Co., et al, Plaintiffs, vs. Teton Irrigation Canal Co., Defendants, J. M. Stevens, Judge, wherein 1.6 second feet of the waters of Rainey Creek in Water District No. 36, were decreed to the Northeast Quarter (NE $\frac{1}{4}$) of Section 12, Twp. 1 N., Rge. 43 E., B.M., said right bearing date of priority of September 1, 1890;

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho at Boise, in Volume 3 of Decrees at page 450.

That upon the application of the said Frew Brothers for a transfer of water right made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.6 second feet of the waters of Rainey Creek upon the lands above described is hereby abandoned, and a description of the lands to be irrigated is hereby abandoned, and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following list of lands, limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

1.6 sec. ft., dated September 1, 1890;

North Half of the North Half (N $\frac{1}{2}$ N $\frac{1}{2}$), Section 4, Township 1 North, Range 44 East, B. M.;

That the water right to be transferred has heretofore been diverted from Rainey Creek in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 8, Twp. 1 N., Rge. 44 E., B.M., but will hereafter, by virtue of this certificate, be diverted in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 33, Twp. 2 N., Rge. 44 E., B.M.;

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

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 19th day of March, 1928.

(SEAL)

GEO. N. CARTER.

Commissioner of Reclamation.

A S S I G N M E N T O F W A T E R R I G H T

For and in consideration of the sum of One Dollar, as well as other valuable considerations, to us in hand paid, we hereby Sell, Assign and Transfer to Frank Beam, all of our right, title, interest and equity in and to one and six tenths (1.6) second feet of the waters of Rainey Creek, having a priority date of September 1st, 1890, and all of which is more fully described in that certain certificate of water right issued on the 19th day of March, 1928, by the Commissioner of Reclamation of the State of Idaho, and described as Transferred Right No. 419.

Dated this 23rd day of March, 1928.

H. C. Frew,
Wallace Frew
Frew Bros.

State of Idaho,)
) ss.
County of Bonneville)

On this 9th day of April, 1928, before me the undersigned Notary Public, personally appeared H. C. Frew and Wallace Frew, known to me to be the persons whose names are subscribed to the above and foregoing instrument, wo do business as Frew Bros., a co-partnership, and who acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Idaho Falls, Idaho, the day and year herein above last written.

O. A. Johannesen
Notary Public,
Residence: Idaho Falls, Idaho.

(SEAL)

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 3.30 P.M. April 10, 1928.

Geo. N. Carter,
Commissioner of Reclamation,
C.B.

See next page for correction

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 420.

This is to certify that Ed. Hill of Lorenzo, County of Jefferson, and State of Idaho, has rights to the use of the waters of the South Fork of Snake River, for irrigation and domestic purposes, and that said rights have been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of "Rexburg Irrigation Company, et al, plaintiffs, versus Teton Irrigation Company, et al, defendants", J. M. Stevens, District Judge, wherein 12 inches, bearing date of priority of 1886; 24 inches bearing date of priority of 1887; 24 inches bearing date of priority of 1888; 16 inches bearing date of priority of 1889; 72 inches bearing date of priority of 1891, of the waters of South Fork of Snake River, in Water District No. 36, were decreed to the Long Island Irrigation Company for the irrigation of lands lying under the Long Island Irrigation Company's canal, said waters having later, by authority of the Certificate of Transfer of Water Right #299, been transferred to the following described lands:

All of Sections 22, 23, 24, 25, and 26, Twp. 5 N., R. 38 E., B. M.; all of Section 30, and Lots 1, 2, 3, 4, 5, and 6, Section 19; Lots 1, 2, 3, 4, 5, and 6, W $\frac{1}{2}$ SW $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Twp. 5 N., R. 39 E., B.M.;

That said decree and Certificate of Transfer have been entered in the records of the Department of Reclamation at Boise;

That Ed. Hill is the holder and owner of 1200 shares of the capital stock of the Island Irrigation Company, which entitles him to 148 inches of said water; and that upon application of the said Ed. Hill for a transfer of water right made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 148 inches, or 2.96 second feet, of the waters of the South Fork of Snake River upon the lands described, is hereby abandoned, and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following list of lands, limited at any given time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amounts, to-wit:

12 inches, dated 1886,
24 inches, dated 1887,
24 inches, dated 1888,
16 inches, dated 1889,
72 inches, dated 1891;

Lot 1, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; Lots 7 and 8 of Section 34, Twp. 5 N., R. 39 E., B.M.;

That the water to be transferred has heretofore been diverted in Lot 3 of Section 34, Twp. 5 N., R. 39 E., B.M., and conducted through the Island Irrigation Company's canal, but will hereafter, by virtue of this certificate, be diverted in Section 2, Twp. 4 N., R. 39 E., B.M., and conducted through the Hill and Pettinger Ditch, via Bannock Jim Slough;

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

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed this 12th day of April, 1928.

GEO. N. CARTER.

Commissioner of Reclamation.

(SEAL)

See file 23-0021 for Appl, Letters, ETC.

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
Richard A. Beam)
Swan Valley, Idaho)
For a Transfer of Water Rights in Water)
District No. 36, Bonanza County, Idaho.)

ORDER GRANTING TRANSFER
NO. 860.

WHEREAS, On the 21st day of July, 1955, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Richard A. Beam of Swan Valley, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application shows that the water will be put to a higher and more beneficial use, and that no one will 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 be issued to 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 official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 3rd day of October, 1955.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

23-0046



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 860.

THIS IS TO CERTIFY THAT, Richard A. Beam of Swan Valley, Idaho, is the owner of and using a water right for 1.6 cubic feet per second of the waters of Rainey Creek with priority of April 9, 1889, and a water right for 1.6 cubic feet per second of the waters of Rainey Creek with priority of September 1, 1890, said water being decreed by Judge J. M. 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, et al.,

Plaintiffs

VS.

TETON IRRIGATION CANAL COMPANY, et al.,

Defendants,

said decree bearing date of December 16, 1910 and being made appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ Section 36, Township 2 North, Range 44 E., B.M.
NE $\frac{1}{4}$ Section 12, Township 1 North, Range 43 E., B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 3 of Decrees beginning at Page 450.

That by Certificates of Transfer Nos. 419 and 488 issued by the Commissioner of Reclamation of the State of Idaho, these rights were made appurtenant to the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 4, Township 1 North, Range 44 East, B.M.

That Richard A. Beam of Swan Valley, Idaho, has become the owner of said described lands through Mesne Conveyance.

That now, upon the application of Richard A. Beam of Swan Valley, Idaho, for the transfer of 3.2 cubic feet per second of the waters of Rainey Creek made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 3.2 cubic feet per second of the water of Rainey Creek upon the above described lands is hereby abandoned, and the land to which the water rights hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

Lots 1, 2, 3 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4
Township 1 North, Range 44 East, B.M.

That said water is 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:

1.6 cubic feet per second with priority of April 9, 1889
1.6 cubic feet per second with priority of September 1, 1890

That the water rights hereby transferred have heretofore been conducted to the first above described lands from Rainey Creek through a private ditch with point of diversion in the NE 1/4 Section 33, Township 2 North, Range 44 East, B.M.

That the water rights hereby transferred will hereafter be conducted to the last above described lands from Rainey Creek through the same ditch and with no change in point of diversion.

That the right of use of said 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 official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 3rd day of October, 1955.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application
of Frew Brothers for Transfer of
Water Right: Water District No. 36

ORDER GRANTING TRANSFER

WHEREAS, On the 17th day of March, 1928, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Frew Brothers for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 19th day of March, 1928.

Commissioner of Reclamation.

RECEIVED

MICROFILMED

#34

~~21 0071~~	180 inches.	June 1, 1892.	Black Spring Creek.
~~21 0075~~	150 inches.	June 1, 1894.	Black Spring Creek.
~~1 126~~	250 inches.	June 1, 1902.	Snake River.
McAlister, E.H.			(See M. R. Perry.)
McWain, T. V.			Trego Ditch Company.
McClermont, John			(See Leuben H. Howe.)
McCormick, Morris			
~~22 0388~~	156 inches.	June 15, 1897.	South Leigh Creek.
~~22 0389~~	160 inches.	June 15, 1897.	South Leigh Creek.
~~22 0390~~	105 inches.	June 1, 1885.	McMillan Slough.
~~22 0391~~	105 inches.	June 1, 1890.	McMillan Slough.
~~22 0392~~	105 inches.	June 1, 1895.	McMillan Slough.
~~22 0393~~	105 inches.	June 1, 1900.	McMillan Slough.
~~22 0394~~			
~~22 0395~~	180 inches.	June 1, 1885.	McMillan Slough.
~~22 0396~~	120 inches.	June 1, 1890.	McMillan Slough.
~~22 0397~~	120 inches.	June 1, 1895.	McMillan Slough.
~~22 0398~~	120 inches.	June 1, 1900.	McMillan Slough.
McGibbon, John.			Swan Valley Irrigation Company, Limited.
~~23 0045~~	160 inches.	Sept. 1, 1889.	Rainey Creek. #439
~~23 0046~~	80 inches.	Sept. 1, 1890.	Rainey Creek. #419-860
~~22 0398~~			
~~23 0074~~			
~~21 0076~~	160 inches.	June 1, 1898.	Palisade Creek.
~~21 0077~~	160 inches.	June 1, 1887.	Howard Creek.
~~21 0078~~	300 inches.	June 1, 1900.	Targoe Creek.
~~22 0399~~	65 inches.	Jun 1, 1900.	Howard Creek and Targoe Creek.
McNally, Gilbert	40 inches.	May 1, 1903.	Trail Creek.

MICROFILMED

BONNEVILLE NATIONAL FARM LOAN ASSOCIATION

SERVING BONNEVILLE, CLARK AND JEFFERSON COUNTIES

IDAHO FALLS, IDAHO

JOHN M. CORLESS, SECRETARY-TREASURER

February 26, 1955

FEDERAL LAND BANK LOANS

Re: 85289 - Richard A. Beam

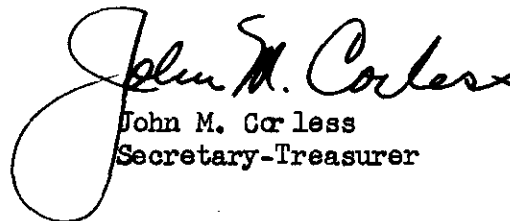
Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Mr. Kulp:

Thank you for forwarding the certified copies of the water transfers requested in our letter of February 23.

In accordance with your letter of February 25, we are enclosing our check No. 4330 in the amount of \$3.00 to cover your charges.

Very truly yours,


John M. Corless
Secretary-Treasurer

kw
att/ ck

R27219

RECEIVED
FEB 28 1955
Department of Reclamation

UNRECORDED

"OWNED BY FARMERS : FOR FARMERS"

February 25, 1955

Mr. John M. Corless
Secretary-Treasurer
Bonneville National Farm Loan Association
Idaho Falls, Idaho

Dear Mr. Corless:

In accordance with your request of February 23, we enclose certified copies of Water Transfers Nos. 419 and 488.

The fee for making these is \$1.50 each for which you may send us your check.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

MICROFILMED

BONNEVILLE NATIONAL FARM LOAN ASSOCIATION

SERVING BONNEVILLE, CLARK AND JEFFERSON COUNTIES

IDAHO FALLS, IDAHO

JOHN M. CORLESS, SECRETARY-TREASURER

February 23, 1955

FEDERAL LAND BANK LOANS

RECEIVED
FEB 24 1955
Department of Reclamation

Re: 85289 - Richard A. Beam

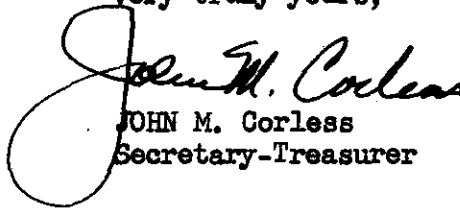
Mr. Mark Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

Please furnish us with certified copies of water transfers No. 419 and 488 affecting water rights on Rainey Creek of the Snake River drainage.

As soon as we know what the charges are we will forward our check for payment.

Very truly yours,


JOHN M. Corless
Secretary-Treasurer

kw

RECORDED

July 5, 1929

Re: Certificate of Transfer
No. 419

MR. ARTHUR W. HOLDEN
Attorney at Law
Idaho Falls, Idaho

Dear Sir:

Reference is made to your letter of July 3 inquiring as to the cost of a copy of transcript of the proceedings had in the matter of the application of Frank Beam of Swan Valley, Idaho, to transfer the use of certain waters of Snake River.

A copy of the certificate of transfer issued to Mr. Beam would cost \$1.00 and if you desired copies of all the correspondence and the application for transfer, it would amount to \$5.00.

Yours very truly,

GEO. N. CARTER
Commissioner of Reclamation

By
Chief Clerk



419
6.00

ARTHUR W. HOLDEN
LAWYER
AMERICAN NATIONAL BANK BUILDING
IDAHO FALLS, IDAHO

July 3rd, 1929.

Commissioner of Reclamation,
Capitol Building,
Boise, Idaho.

Dear Sir:

What would it cost to secure a complete transcript of the proceedings had in the matter of the application of Frank Beam of Swan Valley, Idaho, to transfer the use of certain waters of Snake River and divert the same from the waters of Rainy Creek, a tributary of Snake River located in Swan Valley, Bonneville County, Idaho, which proceedings were had this spring.

Very truly yours,

Arthur W. Holden
Arthur W. Holden.

AWH MJ

MICROFILMED

April 11, 1928.

Cert. Trans. #419

Re:

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

Dear Sir:-

The assignment of water right under Certificate of Transfer #419 has been recorded in this office. The original is therefore herewith returned to you, with receipt for fifty cents recording fee and refund of fifty cents.

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

By _____
Chief Clerk.

Encl.

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

April 9th, 1928.

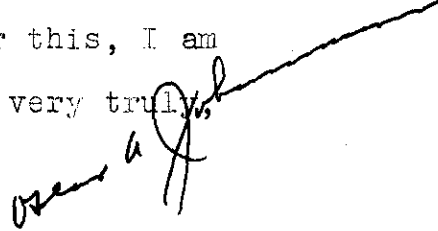
Hon. Geo. N. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

I enclose herewith Assignment
of Water Certificate, Crew Brothers to Beam,
together with my check for \$1.00. I shall
appreciate having this recorded in the
records of your office.

Thanking you for this, I am

Yours very truly,



RECORDED

Enc.
OAJ:s

March 20, 1928.

Re: Certificate of Transfer #419.

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

Dear Sir:

We are mailing you herewith Certificate
of Transfer and Order Granting Transfer for Frew
Brothers; also receipt for fee paid.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

B:P.
Enc.

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

March 16th, 1928.

Hon. Geo. W. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

In re: Frew Bros. Transfer

I thank you very much for yours of March 14th returning the application for correction. These corrections have now been completed and I return the application herewith. I also inclose herewith Proof of Publication of Notice of Hearing, together with my check for \$1.00, your fee. If there is no objections interposed at the hearing tomorrow, will you kindly make the necessary order, sending me copies thereof.

Thanking you again, for your kindness in the matter, I am

Yours very truly,

Oscar A. Johannesen

MICROFILMED

Inc.
OAJ:a

PROOF OF PUBLICATION

STATE OF IDAHO, }
County of Bonneville, } ss.

I, W. S. Snyder, being first duly sworn, upon my oath say: That I am the manager of THE REGISTER PRINTING & PUBLISHING COMPANY, a corporation of Idaho Falls, Bonneville County, Idaho, the publisher of THE TIMES-REGISTER, a semi-weekly newspaper published on Tuesdays and Fridays, at Idaho Falls, Idaho; said THE TIMES-REGISTER being a consolidation of THE IDAHO FALLS TIMES, established in the year 1890 and THE IDAHO REGISTER, established in the year 1880, such consolidation having been made on the 17th day of September, 1920, and each of said newspapers having been published continuously and uninterruptedly, prior to such consolidation, for more than seventy-eight (78) weeks and said THE TIMES-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 THE TIMES-REGISTER once a week for Two consecutive weeks, and that such publications were made on the following dates, to-wit:

Mar - 9 - 16 - 1928

and that the said notice was published in the regular entire issue of said paper on the respective dates of publication, as aforesaid, and that such notice was published in the newspaper, and not in the supplement.

Subscribed in my presence and sworn to before me this

28th day of March, 1928
W. A. Johnson
Clerk of the District Court, Ninth Judicial District, Idaho.
Residing at Idaho Falls, Idaho.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT. Notice is hereby given that Wallace Frew, consisting of J. C. and applied to the commissioner of reclamation of the state of Idaho for a certificate authorizing them to transfer the use of 1.6 sec- and feet of the water of Ruby creek, from the land upon which it is now used, i. e. northeast quarter (NE 1/4), section 12, township 1 N., range 43 E. E. 1/4, to the following described tract: north half of north half (N 1/2 of N 1/2), section 4, town- ship 1 N., range 44 E. E. 1/4. And that on the 17th day of March, A. D. 1928, at 10 o'clock a. m., at the department of reclamation, State House, Boise, before the com- missioner of reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present his consideration any reason or reasons why a certificate should not be issued authoriz- ing such transfer. GEO. N. CARTER, Com- missioner of Reclamation. Pub. T-2 Mar. 9-16.

Filed by
Frank Beaman
3/16/28

March 14, 1928.

Re: Transfer Water--Frew.

Mr. O. A. Johannesen,
Attorney at Law,
Idaho Falls, Idaho.

Dear Sir:

Referring to your letter of the 13th instant, would say that both the application for transfer and the map filed therewith show the lands from which the water is to be taken and the land to which the water is to be transferred to be in two North instead of one North. You were right in having the correction made in the notice to be published.

We have thought best to return to you the application with the map, in order that you may make the corrections necessary before the date set for hearing.

Yours very truly,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

B:P
Enc.

O. A. JOHANNESSEN

ATTORNEY AND COUNSELOR AT LAW

IDAHO FALLS, IDAHO

March 15th, 1923.

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

Dear Sir:

In re: Frew Brothers Water Transfer

I find that a slight error appears in the Notice of the proposed transfer in the above case in that the lands are shown to be in Township 2 North, whereas they are in Township 1 North. The publication has been properly corrected but I am wondering whether the papers I have forwarded showed 2 North in place of 1 North. The point of diversion is in Township 2 North, but the lands are all in Township 1 North. Will you please make the proper corrections on the papers now in your possession.

Thanking you for this, I am

Sincerely yours,

or this, I am
erely young,
near 4-8

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

March 6th, 1923.

Mr. Geo. H. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Carter:

In re: Frew Pros. Application

Thank you very much for yours
of March 3rd, inclosing Notice for Publication.
This notice will be published in the Times-
Register. I am writing the Idaho Republican
in case you have not written, requesting
that no further publication be made.

Thanking you very much for your
courtesy in the matter, I am

Sincerely yours,

Oscar A. Johansen

March 3, 1928

Re: Frew Brothers Application

MR. O. A. JOHANNESSEN
Attorney at Law
Idaho Falls, Idaho

Dear Mr. Johannesen:

Reference is made to the matter of the application for transfer of water right, Frew Brothers, applicants, and particularly to your letter of March 1, regarding this subject.

The application states that the lands to which the water is now appurtenant are in the county of Bingham. The office, in preparing notice for publication, did not investigate further into the location of these lands and quite naturally prepared the publication notice for Bingham county paper. However, upon checking the description of said lands, it is evident that they are in Bonneville county.

I believe that in order to have everything entirely regular in connection with the transfer proceeding, that the notice should be re-advertised in a Bonneville county paper. I suppose only one publication has been made in the Idaho Republican at Blackfoot and further publication can be stopped. The requirement that notice be published in the county in which the lands from which the water is to be transferred are located being statutory, leads me to the belief that possibly a technicality would arise if publication were had in Bingham county.

A new notice of publication has been prepared for publication in Bonneville county paper and same is enclosed herewith with the expectation that you will make the necessary arrangements for publication. Publication can likely be had the eighth and the fifteenth of March; consequently, the hearing is set for March 17.

I trust that the foregoing will not put you to any serious inconvenience.

Yours very truly,

Commissioner of Reclamation

GNC/eq
Enclosure



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

*Pub. 8, 15th
March 7th*

March 1st, 1938.

Hon. Geo. M. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Carter:

In re: Wrew Bros. Application

Thank you for yours of February 28th, with respect to the above matter. I take it from your letter, although you do not so state, that notice will be published in Bonneville County, the place where the lands are situated. I am at a loss to understand how the error crept into the application that the lands were in Bingham County, as they are in the Swan Valley, all of which is in Bonneville County.

Thanking you again for your kindness, I am

Yours very truly,

Oscar A. Johannesen

11-15
February 28, 1928.

Re: Transfer Water- Frew Bros.

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

Dear Sir:-

Referring to your letter of the 23rd inst. would say that, under the provisions of Sec. 5502 of the Compiled Statutes of Idaho, notice of transfer of water right is required to be published in the county in which the lands from which the water is to be taken are located. The application of Frew Bros. stated the lands were in Blaine county and it was for that reason the notice was sent to the Idaho Republican at Blackfoot.

The hearing is to be at this office but it will not be necessary for the applicant to appear here at the hearing unless a protest be filed, in which event you will be further advised.

The hearings on all such transfers are held at this office, except in a few cases where the transfer might cause some dissatisfaction or protest among other water users who might wish to appear at the hearing and would not be able to come to Boise.

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

By _____
Chief Clerk.

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

February 27th, 1928.

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

Dear Mr. Carter:

I thank you very much for yours
of February 28th with reference to Frew
Brothers application for transfer. I note
from your letter that publication for
hearing will be made in Bingham County.
The land is situated in Bonneville County,
and I am wondering if the publication
should not be made in this County, although
I have no objections to Bingham County.

I note that March 15th has been
set as the day of hearing.

Thanking you for your kindness
in the matter, I am

Yours very truly,

O. A. Johannesen
per (1)

February 25, 1928.

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

Dear Sir:

We are in receipt of your letter of the 23d instant, enclosing application for transfer of water right of Frew Brothers.

We have set March 15 as the date for the hearing on this application, and notice for the required two weeks publication has today been mailed to the Idaho Republican at Blackfoot, as the lands from which the water is taken are located in Bingham County. If no protests are filed the transfer will be granted in regular order, upon receipt of the affidavit of publication and fee of \$1.00.

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

By

Chief Clerk.

B:P

RECEIVED
FEB 27 1928
U. S. DEPT. OF AGRICULTURE
BUREAU OF RECLAMATION

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date February 25, 1928

PUBLISHER, THE IDAHO REPUBLICAN,
Blackfoot, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for ~~four~~^{two} consecutive weeks prior to March 15, 1928, the date set for ~~proof~~^{hearing}, the expense of the publication to be paid by the applicant, or their attorney, O. A. Johannessen, of Idaho Falls, to whom you should furnish proof of publication on or prior to the date set for ~~proof~~^{hearing}.

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

Very truly yours,

GEO. H. CARTER,

Commissioner of Reclamation.

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

February 23rd, 1928.

Hon. Geo. W. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Carter:

I inclose herewith application
of Mr. Wallace Trew asking permission to
transfer 80 inches of Hainey Creek from the
present point of diversion to a point
higher up on the stream.

I am quite well acquainted with
the locations of the various ranches, and
a transfer of this kind will apparently
work injury to no one, and there should
therefore be no reason why such a transfer
should not be made.

Will you kindly give the matter
your usual attention and advise me accordingly.
Thanking you, I am

Yours very truly,

O. A. Johannesen

Notice of Proposed Transfer of Water Right

Notice is hereby given that **Frew Brothers, consisting of H. C.** and **Wallace Frew,**
of **Swan Valley,**
Idaho, has applied to the Commissioner of Reclamation of the State of Idaho
for a certificate authorizing him to transfer the use of **1.6 second feet**
of the water of **Rainey Creek**,
from the land upon which it is now used, i. e. **Northeast quarter (NE¹), Sec. 12, Twp. 2 N.,**
R. 43 E., B.M.
to the following described tract: **North half of North half (N¹ of N¹), Sec. 4, Twp. 2 N.,**
R. 44 E., B.M.

And that, on the **17th** day of **March**, A. D.
19**23**, at **10 o'clock a.m., at the Dept. of Reclamation, State House, Boise,**
before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and
all persons to appear and present for his consideration any reason or reasons why a certificate should
not be issued authorizing such transfer.

Geo. N. CARTER,

Commissioner of Reclamation

Application For Transfer of Water Right

STATE OF IDAHO,

County of Bonneville

} ss.

Frew Brothers, consisting of

H. C. and Wallace Frew, by the latter., being first duly sworn, deposes and says:

That his name is Wallace D. Frew; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Swan Valley, Idaho.Frew Bros.

1st.

That ~~he~~ is the owner and using a certain water right, bearing date of priority of Sept. 19 90., for 1.6 cubic feet per second of the waters of Rainey Creek

County of Bonneville, State of Idaho, decreed to John McGibbonby decree of Judge, J. H. Stevens of the Sixth Judicial District of the State ofIdaho, in and for the County of Fremont, in the case of Rexburg Irr. Co. et alvs. Teton Irr. Canal Co. et al said decree bearing date of Dec. 16th, 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 Bonneville and State of Idaho, to-wit:

Northeast Quarter of Section 12, township 1 north range 43 east
Boise meridian.

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

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 Southwest Quarter of Section thirty-three, Township three N., Range forty-four E., B. M., and conducted to the above described lands through private ditch from Rainey Creek as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.6 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 Bonneville and State of Idaho, to-wit:
The North Half of the North Half (N $\frac{1}{2}$ -N $\frac{1}{2}$) of Section 4, Township 1 North,
Range 44 East Boise Meridian.

That his reasons for desiring to make such transfer are as follows: have instituted various changes in farming methods, economies in distribution, and rotation with neighbors; also a part of land has become swampy, by reason proximity to river, and being much lower than lands to the east.

That he intends to divert and convey said 1.6 second feet of water to the tract of land last above described in the following manner, to-wit: By means of a private ditch having its head on Rainey Creek with point of intake at the SW $\frac{1}{4}$ of Section 33, Township 2, North, Range 44, E.B.M., and extending on and to the land described as the North Half of the North Half of Section 4, Township 2 North, Range 44 East Boise Meridian

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.

Wallace E. Frew
Applicant.

Subscribed and sworn to before me this 23rd day of February
A. D. 1928.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Rainey Creek

SW Where is the diversion point located? Present point in NW $\frac{1}{4}$ of Sec. 8, Twp. 1 N. Range 44 E.B.M. New point in NW $\frac{1}{4}$ of Sec. 33, Twp. 2 N. Range 44 E.B.M.

Through what ditch is it now conducted? private ditch

How much land is now irrigated by the water sought to be transferred? only a part
160 acre farm, described in application.
Give the description:

NE $\frac{1}{4}$ Sec. 12, twp. 1 No. Ra. 43 E.B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 160 in.

What kind of crops are being raised? grain, hay, beets, peas, etc.

How much water per acre is now required to irrigate said land? 1 in. per acre.

What will be the effect on the land now irrigated, if the use of water on it is discontinued?
Will require greater economies as to use and distribution, with resulting inconveniences, except that part of the land that is being flooded by reason of being so low.

Give location of new point of diversion, if change is to be made SW $\frac{1}{4}$ Sec. 33, Twp. 2 N. Range 44, E.B.M.

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

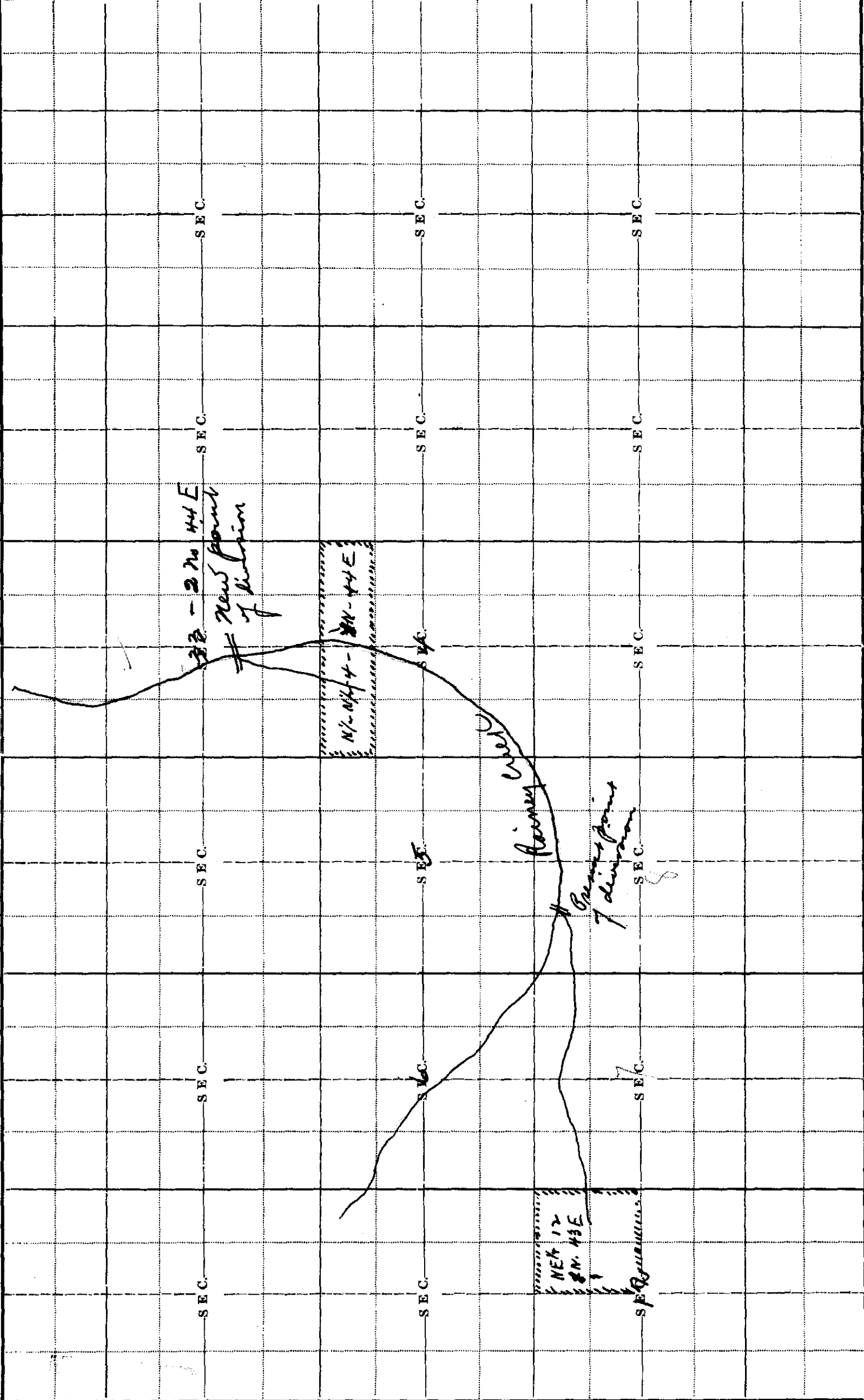
How much water will be required per acre to irrigate the land to which this water is transferred?
from 1 to 3 inches per acre. Drainage very great, but all drains back into Snake River.

Do you claim any other water right for the land from which you seek to abandon the use of this water?
yes 80 inches.

If so, give amount, date and source 80 inches from Palisade Creek

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 yes. from Rainey Creek

Signed *Wallace E. Frew*
Applicant.



STATE OF IDAHO,

County of Bonnerville

SS.

L. A. Hartert

and

J. W. Hays

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 Idaho Falls that he is a user of water from Snake River & tributaries, in Water District No. 36 County of Bonnerville, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Fred Brown 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.

L. A. Hartert
J. W. Hays

Subscribed and sworn to before me this

23rd day of February

A. D. 1928

W. A. Johnson
Notary Public

STATE OF IDAHO,

County of _____

SS.

I, _____, Watermaster of _____ Water District No. _____, County of _____, State of Idaho, whose postoffice address is _____, have read or heard read the foregoing affidavit and petition of _____, 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: _____

Watermaster Dist. No. _____

Dated at _____, Idaho, this _____ day of _____, 19 _____

Name of Applicant.....

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.