

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 daily newspaper published daily except Sundays, 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 as a semi-weekly newspaper continuously and uninterruptedly from the date of such consolidation, up to, and including the 31st day of December, 1929, and continuously and uninterruptedly as a daily newspaper commencing with and continuously and uninterruptedly since January 1st, 1930, and 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:

May 22 - 29 - 1930

and that the said notice was published in the regular entire paper, and not in a supplement.

Subscribed in my presence and sworn to before me this 29 day of May, 1930

LEGAL NOTICES

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT—Notice is hereby given that Gustus Jacobson 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.: E $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36, Twp. 2 N., R. 43 E., B. M., to the following described tract: N $\frac{1}{2}$ of N $\frac{1}{2}$ of Sec. 4, Twp. 1 N., R. 44 E., B. M.

And that, on the 5th day of June, A. D. 1930, at 11 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.
Pub. T-R May 22-29.

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

By Alice H. Bair Deputy Clerk

MICROFILMED

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 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 consecutive weeks, first publication having been made on the 7th day of July, 1955, last publication having been made on the 14th day of JULY, 1955, 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 14th day of July, 1955,
Karl S. Hall
Notary Public

My comission expires April 5, 1959.

B10, 1M, 2-50

**NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT**

Notice is hereby given that RICHARD A. BEAM of Swan Valley, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Rainey Creek as follows: 1.6 cubic feet per second with priority of April 9, 1889 and 1.6 cubic feet per second with priority of September, 1, 1890.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 2 N., Range 44 E. Place of Use: NE $\frac{1}{4}$ N $\frac{1}{2}$ Sec. 4, Twp. 1 North, Rge. 44 East, B. M.

Transfer to: Place of Use: Lots 1, 2, 3, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4 Twp. 1 North, Rge. 44 East, B. M.

And that on the 21st day of July, 1955 at 10 o'clock A.M. at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, 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.

MARK R. KULP
State Reclamation Engineer.
Published: July 7 and 14, 1955.

MICROFILMED

860

Sp 270 Rm 44 E

SEC.

SEC. 27-28-36
Sp 270-43 E

SEC.

SEC.

Present point of
division

Shut-off of Howard Creek

SEC.

New point of
division

SEC.

*7 1/2 N 1/2 Sec 27
Sp 170-44 E*

SEC.

SEC.

SEC.

SEC.

SEC.

Sp 170 Rm 43 E

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

MICROFILMED

2

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 383-A.

This is to certify that Samuel J. Weeks, of Swan Valley, County of Bonneville, State of Idaho, has 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 Bonneville, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 1.6 second feet of the waters of Rainey Creek, in Water District No. 36, were decreed to Alfred Joseph Bernard for the irrigation of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 6; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7, S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 5, and the N $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 8, Township 1 North, Range 44 East of Boise Meridian, said right bearing date of priority of April 9, 1889; that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450; that, upon the application of Samuel J. Weeks for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 0.8 second feet of the waters of Rainey Creek is hereby abandoned upon the lands above described and the lands to be irrigated under such rights and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

0.8 sec. ft., dated April 9, 1889											
			NE $\frac{1}{4}$		NW $\frac{1}{4}$		SW $\frac{1}{4}$		SE $\frac{1}{4}$		
Twp.	Rge.	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Total
1 N.	44 E.	5					40	40	40	40	160

That said waters are now diverted at a point on Rainey Creek in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, Township 1 North, Range 44 East of Boise Meridian, but will hereafter be diverted at a point on said stream near the southwest corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 1 North, Range 44 East of Boise Meridian.

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, Idaho, this 7th day of July, 1926.

W. G. SWENDSEN
Commissioner of Reclamation

(SEAL)

By Geo. N. Carter
Assistant

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 383.

This is to certify that Samuel J. Weeks, of Swan Valley, County of Bonneville, State of Idaho, has 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 Bonneville, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 3.2 second feet of the waters of Rainey Creek, in Water District No. 36, were decreed to Alfred Joseph Bernard for the irrigation of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 6; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7; S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 5 and the N $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 8, Township 1 North, Range 44 East of Boise Meridian, said right bearing date of priority of April 15, 1889; that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450; that, upon the application of Samuel J. Weeks 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 is hereby abandoned upon the lands above described and the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are shown in the following table, 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 April 15, 1889					
Twp. Rge. Sec.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Tota
1 N. 44 E. 5				40 40 40 40	160

That said waters are now diverted at a point on Rainey Creek in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, Township 1 North, Range 44 East of Boise Meridian, but will hereafter be diverted at a point on said stream near the southwest corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 1 North, Range 44 East of Boise Meridian.

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, Idaho, this 7th day of July, 1926

(SEAL)

W. G. SWENDSEN
Commissioner of Reclamation

23-0021

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 488

THIS IS TO CERTIFY That Gustus Jacobson, of Swan Valley, County of Bonneville, State of Idaho, has 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 Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 1.6 second feet of the waters of Rainey Creek, in Water District No. 36, were dedicated to the $E\frac{1}{2}SE\frac{1}{4}$ of Sec. 36, Twp. 2 N., R. 43 E., B.M., said right bearing date of priority of April 9, 1889; that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450:

THAT, upon the application of Gustus Jacobson 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 under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is given below, 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 amount, to-wit:

1.6 second feet, dated April 9, 1889

North half of North half ($N\frac{1}{2}N\frac{1}{2}$), Sec. 4, Twp. 1 N., R. 44 E., B.M.

THAT the water to be transferred has heretofore been diverted at a point in the $E\frac{1}{2}SW\frac{1}{4}$, Sec. 33, Twp. 2 N., R. 44 E., B.M. and carried through the Shurtlief and Bernard ditch, but will hereafter, by virtue of this certificate, be diverted at a point in the $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 33, Twp. 2 N., R. 44 E., B.M. and carried through a private ditch called the Beam ditch.

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.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 10th day of June, 1930.

GEO. N. CARTER
Commissioner of Reclamation.

(SEAL)

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 489

THIS IS TO CERTIFY That Therese Gottsche, of Swan Valley, County of Bonneville, State of Idaho, has 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 Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 1.94 second feet of the waters of Rainey Creek, in Water District No. 36, were dedicated to the $N\frac{1}{2}NW\frac{1}{4}$ of Sec. 12, and south 20 acres of the $SW\frac{1}{4}$ of Sec. 1, Twp. 1 N., R. 43 E., B.M., said right bearing date of priority of June 1, 1890; and that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450:

THAT, upon the application of Therese Gottsche 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 1.94 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 under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is given below, 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 amount, to-wit:

1.94 sec. ft., dated June 1, 1890

$S\frac{1}{2}$ of $N\frac{1}{2}$ and $N\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 5, Twp. 1 N., R. 44 E., B. M.

THAT the water to be transferred has heretofore been diverted at a point in the $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Sec. 8, Twp. 1 N., R. 44 E., B.M., but will hereafter, by virtue of this certificate, be diverted at a point in the $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Sec. 34, Twp. 2 N., R. 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 last above 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 20th day of June, 1930.

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation.

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 , Bonneville 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

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

E $\frac{1}{2}$ SW $\frac{1}{4}$ 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 N $\frac{1}{2}$ of the N $\frac{1}{2}$ 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 $\frac{1}{4}$ SW $\frac{1}{4}$ 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
State Reclamation Engineer

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

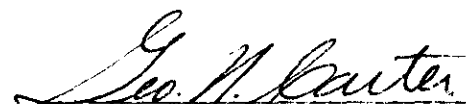
In the Matter of the Application)
of Gustus Jacobson for Transfer) ORDER GRANTING TRANSFER
of Water Right: Water Dist. 36)

WHEREAS, On the 5th day of June, 1930, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Gustus Jacobson 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 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, and the same is, hereby granted and that the certificate of transfer be issued the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Boise, this 10th day of June, 1930.



Commissioner of Reclamation.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 383-A.

extra copy
See file 23-0019 for
Letters, Appl., etc.

This is to certify that Samuel J. Weeks, of Swan Valley, County of Bonneville, State of Idaho, has 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 Bonneville, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 1.6 second feet of the waters of Rainey Creek, in Water District No. 36, were decreed to Alfred Joseph Bernard for the irrigation of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 6; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7, S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 5, and the N $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 8, Township 1 North, Range 44 East of Boise Meridian, said right bearing date of priority of April 9, 1889; that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450; that, upon the application of Samuel J. Weeks for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 0.8 second feet of the waters of Rainey Creek is hereby abandoned upon the lands above described and the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

0.8 sec. ft., dated April 9, 1889

Twp.	Rge.	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 N.	44 E.	5													40	40	40	40	160

That said waters are now diverted at a point on Rainey Creek in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, Township 1 North, Range 44 East of Boise Meridian, but will hereafter be diverted at a point on said stream near the southwest corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 1 North, Range 44 East of Boise Meridian.

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, Idaho, this 7th day of July, 1926.

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Assistant.

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

In the Matter of the Application
of Samuel J. Weeks for Transfer
of Water Right: Water Dist. #36:
Case No. 172, 172-A.

ORDER GRANTING TRANSFER

WHEREAS, On the 2nd day of July, 1926, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Samuel J. Weeks for transfer of water right came regularly on for hearing, pursuant to the published notice; and,

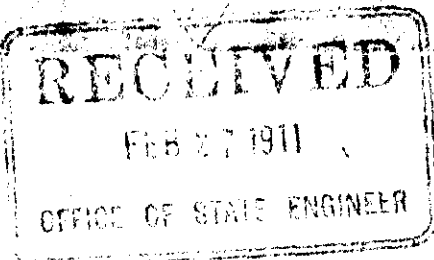
WHEREAS, No one appeared at the hearing, either in person or by affidavit, to protest the said application, and the evidence submitted by the applicant with his application shows that a greater duty of water would result by reason of the transfer, and that no one would be injured thereby:

IT IS, THEREFORE, Hereby ordered that the said application for transfer be granted and that the certificate of 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 7th day of July, 1926.

W. G. SWENDSEN
Commissioner of Reclamation.

By _____ Assistant.



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF NEW

STATE OF IOWA, IN AND FOR THE COUNTY OF [illegible] DIST.

Exburg Irrigation Company, et al.,

PLAINTIFFS,

vs.

Waton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this [illegible] 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, it is ordered, by reason of the law and the facts and findings herein, that judgment be entered as follows:

It is ordered, Adjudged and decreed, that the several parties herein named, do have judgment respectively as follows: In the first instance on other charges, the following: Each of the several parties, each "fifty inches thereof" to be equivalent to one of the cubic feet per second, as prescribed by the law

MICROFILMED

01 0041 0026	Barrat, Arthur A.	160 inches.	May 11, 1900.	Briggs' Springs, and water from swamp.
01 0042 23-0012	Barrat, John N.	160 inches.	May 20, 1889	Palisade Creek.
23-0013	Barrus, John W.	140 inches.	June 30, 1890.	Palisade Creek
	Barrus, R. H.			Watson Slough Irrigation Company.
22 0162	Bates, Thomas	140 inches	May 5, 1889.	Shogony Creek.
23 0114	Beam, Charles	120 inches.	June 1, 1895.	Rainey Creek.
23 0115	Beam, Frank	40 inches	June 1, 1898.	Rainey Creek.
23 0016	Beam, Herbert L.	150 inches.	June 1, 1891.	Rainey Creek.
23 0017	Beam, Matilda E.	80 inches.	Sept. 19, 1897.	Rainey Creek.
23 0118	Beam, Nellie	80 inches.	June 1, 1892.	Rainey Creek.
22 0163	Beard, James T.	200 inches.	Apr. 1, 1896.	Teton ^{River} Creek.
22 0161	Beasley, Joseph	70 inches.	June 1, 1899.	Teton River. Also, springs on ranch.
	Beckstrand, Charley			Enterprise Canal Company. ✓
	Beckstrom, Nick,			The Sunny Dell Irrigation Company.
22 0165	Beezley, Ebenezer and J.	80 inches.	June 1, 1889.	Fox Creek.
22 0166	Beezley, Ebenezer and J.	80 inches.	June 1, 1890.	Fox Creek.
21 0022	Bell, Joseph	260 inches.	Sept. 26, 1889.	Fall River.
	Belnap, A. W.			North Salem Agricultural & Milling Canal Company.
23 0019	Bernard, Alfred Joseph	160 inches.	Apr. 15, 1889.	Rainey Creek. 382
23 0020	Bernard, Alfred Joseph	80 inches.	June 20, 1889.	Rainey Creek.
23 0021	Bernard, Alfred Joseph	80 inches.	April 9, 1889.	Rainey Creek. 383A-458-84
22 0167	Bernston, Richard	160 inches.	June 1, 1899.	Badger Creek.
	Bess, O. O.			The Farmers' Friend Canal Company. ✓
22 0168	Bottle, John	50 inches.	May 1, 1893.	Trail Creek.
22 0169	Brown, Maria	80 inches.	Apr. 6, 1901.	Swamp Creek.

MICROFILMED

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 BLAINE.

file 205-a

Baxberg Irrigation Company, et al.,

PLAINTIFFS,

DECRET.

-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, therefore, 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

MICROFILMED

01 0041 0026

Barret, Nathan A.

160 inches.

May 11, 1900. Briggs' Springs, and
water from swamp.

01 0042 23-0012

Barrus, John N.

160 inches.

May 20, 1889. Pulisade Creek.

23-0013

Barrus, John N.

140 inches.

June 30, 1890. Pulisade Creek

Barrus, E. N.

Watson Plough Irri-
gation Company. ✓

22 0162

Bates, Thomas

140 inches

May 3, 1889. Mohogany Creek.

23 0114

Beam, Charles

120 inches.

June 1, 1895. Rainey Creek.

23 0015

Beam, Frank

40 inches

June 1, 1898. Rainey Creek.

23 0016

Beam, Herbert J.

150 inches.

June 1, 1891. Rainey Creek.

23 0117

Beam, Matilda E.

80 inches.

Sept. 19, 1897. Rainey Creek.

23 0018

Beam, Nellie

80 inches.

June 1, 1893. Rainey Creek.

22 0163

Beard, James T.

200 inches.

Apr. 1, 1896. Teton ^{River}Creek.

22 0164

Beasley, Joseph

70 inches.

June 1, 1899. Teton River. Also,
springs on ranch.

Beckstrom, Charles

Enterprise Canal
Company. ✓

Beckstrom, Niels.

The Sunny Bell Irr-
gation Company.

22 0165

Beezley,

Ebenzer and J.

80 inches.

June 1, 1889. Fox Creek.

22 0166

Beezley,

Ebenzer and J.

80 inches.

June 1, 1890. Fox Creek.

21 0022

Bell, Joseph

260 inches.

Sept. 26, 1889. Fall River.

Belnap, A. T.

North Salem Agric-
ultural & Milling
Canal Company. ✓

23 0019

Bernard, Alfred Joseph

160 inches.

Apr. 15, 1889. Rainey Creek. 232

23 0020

Bernard, Alfred Joseph

80 inches.

June 20, 1889. Rainey Creek.

23 0021

Bernard, Alfred Joseph

80 inches.

April 9, 1889. Rainey Creek. 323A-418-46.

22 0167

Bernston, Richard

160 inches.

June 1, 1899. Badger Creek.

Bess, O. C.

The Farmers' Friend
Canal Company. ✓

22 0168

Bertle, Alice

and Joseph

80 inches.

May 1, 1893. Trail Creek.

22 0169

Beyan, Eric

80 inches.

Apr. 6, 1901. Swamp Creek.

HOLDEN & HOLDEN

ATTORNEYS AT LAW

IDAHO FIRST NATIONAL BANK BUILDING

IDAHO FALLS, IDAHO

TELEPHONE 4450

ARTHUR W. HOLDEN
WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
HOWARD R. STINSON
REED A. WILLIAMS

JULY 26, 1955

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
STATE HOUSE
BOISE, IDAHO

RECEIVED
JUL 27 1955
Department of Reclamation

ATTENTION: MR. ROY W. THOMPSON
SUPERVISOR OF WATER DISTRIBUTION

GENTLEMEN:

REFERENCE IS MADE TO YOUR LETTER OF JULY 20, 1955, PERTAINING TO THE PUBLICATION OF THE NOTICE OF TRANSFER OF WATER RIGHT OF RICHARD A. BEAM OF PWAN VALLEY, IDAHO.

IN ACCORDANCE WITH YOUR LETTER OF JULY 20, 1955, WE HAVE DISCUSSED THIS MATTER WITH THE ADVERTISING MANAGER OF THE POST-REGISTER. IN REVIEWING THE FILES, IT WAS DETERMINED THAT THE TEAR SHEET WHICH WAS SENT TO THE DEPARTMENT OF RECLAMATION WAS ONE OF A PRELIMINARY RUN OF THE PAPER AND THAT PRIOR TO THE ACTUAL RUN OF THE PAPER FOR TRANSMISSION TO THE SUBSCRIBERS, THE ERROR WAS DETERMINED AND CORRECTED, SO THAT IN THE PUBLICATIONS MADE ON JULY 7 AND JULY 14, 1955, THE DATE WAS PUBLISHED AS THE 21ST DAY OF JULY.

WE ARE UNCERTAIN AS TO WHETHER THE AFFIDAVIT OF PUBLICATION OF THE POST-REGISTER SHOWS PUBLICATION ON THE 21ST, BUT IN THE EVENT THERE IS AN ERROR IN THIS, WE HAVE ASKED THE POST-REGISTER TO FORWARD YOU AN ADDITIONAL AFFIDAVIT OF PUBLICATION.

IN VIEW OF THE ASSURANCE OF THE POST-REGISTER THAT THE ITEM AS PUBLISHED IN BOTH ISSUES DID SHOW THE 21ST DAY OF JULY, 1955, IT IS OUR THOUGHT THAT THE AFFIDAVIT OF PUBLICATION SHOWING THE 21ST DAY OF JULY WOULD BE SUFFICIENT TO PERMIT THE TRANSFER OF THE WATER RIGHT.

WE WOULD APPRECIATE YOUR VIEWS ON THIS MATTER, BUT IT IS OUR THOUGHT THAT IF THE NOTICE WAS CORRECTLY PUBLISHED, THE PROPOSED TRANSFER CAN BE COMPLETED ON THE AFFIDAVIT WHICH THE POST-REGISTER HAS BEEN REQUESTED TO FORWARD TO YOU. WE WOULD APPRECIATE ANY THOUGHTS OR SUGGESTIONS WHICH YOU MAY HAVE ON THIS MATTER. WILL YOU KINDLY SEND THE CERTIFICATE OF TRANSFER TO OUR OFFICE IN THE EVENT YOU CONCUR WITH OUR THOUGHTS ON THIS MATTER.

VERY TRULY YOURS,

HOLDEN & HOLDEN

BY

R. Vern Kidwell
R. VERN KIDWELL

WJK:JK

NOT RECORDED
MAY 19 1956

July 20, 1955

Messrs. Holden & Holden
Attorneys at Law
First National Bank Building
Idaho Falls, Idaho

ATTENTION: Mr. R. Vern Kidwell

Dear Mr. Kidwell:

We are enclosing, herewith, a letter from the Post Register together with a tear sheet showing publication of notice of Proposed Transfer of Water Right in the name of Richard A. Beam, of Swan Valley.

As you will observe by the post marks of the letter from the Post Register that they notified us with their letter of July 13th, which was received by this Department on July 15th. Now we notice in the publication notice that they have made a mistake on setting the date for proof. In our notice sent the Post Register we stated very clearly, 21st day of July, 1955. In this notice you will observe that they have the date incorrectly published.

Providing you think that this error in the publication will make any legal difference to Mr. Beam's Certificate of Transfer of Water Right, we think that the Post Register should republish the notice of publication at their expense.

We will leave this matter up to your judgment and if you think that it should be republished, we will request that you notify them of the error and ask them to republish.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RECEIVED
JUL 21 1955

T:hll
Enc.

July 1, 1955

Mr. Lynn Crandall, Watermaster
Water District No. 36
P. O. Box 697
Idaho Falls, Idaho

Dear Mr. Crandall:

We are enclose herewith an Application for Transfer of Water Right in the name of Richard A. Bean of Swan Valley, Idaho.

This Application was prepared by Holden & Holden of Idaho Falls and the Application carries a deposition from Frank S. Thomas, as Watermaster of Rainey Creek, District No. 36.

We also enclose herewith a duplicate of the deposition, that should have been signed by yourself, which will be attached to the Application.

We will appreciate your signing and returning this deposition to this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

Tr ou
Enc.

RECEIVED

July 1, 1935

Messrs. Holden & Holden
Attorneys at Law
Idaho Falls, Idaho

ATTENTION: Mr. R. Vern Kidwell

Dear Mr. Kidwell:

We are enclosing herewith a copy of a notice to be published in the Post Register of Idaho Falls. Notice of the Proposed Transfer Right is in the name of Richard A. Bean.

It will be necessary for you to furnish this Department an Affidavit of Publication together with a fee of \$1.00 for the recording of this Transfer in this Department.

Notice of this publication has been forwarded to the Post Register as of this date.

It has been necessary that we send the Application to Mr. Lynn Grandall to sign as Watermaster of Water District No. 36 in place of Mr. Frank S. Thomas who previously signed the deposition.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Date:

**The Post Register
Idaho Falls
Idaho**

July 1, 1935

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **July 21, 1935**, the date set for hearing, the expense of the publication to be paid by the applicant, **Attorney, Holden & Holden** of **Idaho Falls**, to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Ray W. Thompson
Supervisor of Water Distribution

RECEIVED
JUL 1 1935

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that RICHARD A. BEAM
of Swan Valley, Idaho, has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing him to change the ~~present~~
~~present~~ place of use of the waters of Bainey Creek as follows: 1.6 cubic feet per
second with priority of April 9, 1889 and 1.6 cubic feet per second with priority
of September 1, 1890.
~~XXXXXXXXXXXXXXXXXXXX~~

Point of diversion: NE 1/4 SW 1/4, Section 33, Township 2 N.,
Range 44 E. Place of Use: NE 1/4 Sec. 4, Twp. 1 North, Rge. 44 East, E. M.

Transfer to

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXX~~ Place of Use: Lots 1, 2, 3, and SE 1/4 NE 1/4 Sec. 4 Twp. 1 North, Rge. 44 East, E. M.

And that on the 21st day of July, 1945
at 10 o'clock A. M., at Room 107, State House, Boise, Idaho,
before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

MARK R. KULP

State Reclamation Engineer.

6-21-45

HOLDEN & HOLDEN
ATTORNEYS AT LAW
IDAHO FIRST NATIONAL BANK BUILDING
IDAHO FALLS, IDAHO
TELEPHONE 4450

ARTHUR W. HOLDEN
WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
HOWARD R. STINSON
REED A. WILLIAMS

June 14, 1955

RECEIVED
JUL 5 1955
Department of Reclamation

State of Idaho
Department of Reclamation
State House
Boise, Idaho

RECEIVED
JUN 15 1955
Department of Reclamation

Gentlemen:

In accordance with your letter of May 16, 1955, we are enclosing application for transfer of water right executed by Richard A. Beam of Swan Valley, Idaho.

You will recall that this is the water right concerning which previous correspondence has passed between our offices. Apparently, the transferred rights No. 488 and No. 419 in approximately 1928 and 1930 were transferred to the North Half of the North Half of Section 4, Township 1 North, Range 44 E.B.M., whereas in reality, the water should have been transferred and was in fact transferred to Lots 1, 2, 3 and the Southeast Quarter of the North-east Quarter of Section 4, Township 1 North, Range 44 E.B.M.

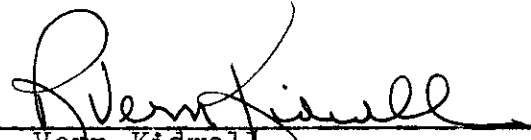
We are enclosing the application for transfer in accordance with your letter with the request that the records be corrected to show the land upon which the water was actually transferred at the time of the above mentioned certificate.

In the event there is a fee required for filing this application, kindly advise and we will promptly remit.

Very truly yours,

HOLDEN & HOLDEN

By


R. Vern Kidwell

RVK:11
Encl. 3

June 11, 1930

Re: Transferred Right No. 408

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

Dear Sir:

We are inclosing herewith Transferred
Water Right No. 408 issued to Gustav Jacobson
together with receipt for fee.

Very truly yours,

GEO. W. CARTER
Commissioner of Reclamation.

By

Chief Clerk.

G
Incl. 2

RECORDED

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

June 3rd, 1930.

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

Dear Mr. Carter:

In re: Gustus Jacobsen Transfer.

I enclose herewith the Certificate of Title showing that H. Gustus Jacobsen is the owner of the land from which he now seeks to transfer the water, covered by his recent application.

I trust the same will be found in due order.

Yours very truly,

Oscar A. Johannesen

OAJ-wl

RECORDED

Continuation of Abstract of Title

The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

STATE OF IDAHO,)
) SS
County of Bonneville.)

THE BONNEVILLE ABSTRACT COMPANY hereby certifies that Gustus Jacobson and Elizabeth J. Jacobson, his wife, are the record owners of all of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-six in Township Two North, Range Forty-three East of the Boise Meridian excepting approximately one (1) acre in the Southwest corner thereof, as shown by the records of Bonneville County, Idaho.

Dated at Idaho Falls, Idaho, this 31st day of May, 1930, at 1:30 P.M.

THE BONNEVILLE ABSTRACT COMPANY,

By

Geo. F. Gagan
President.



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

June 2nd, 1930.

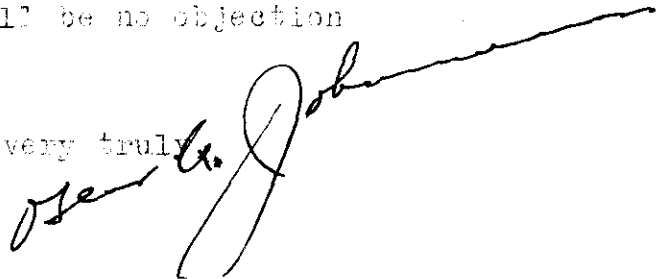
Hon. George H. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Carter:

I enclose herewith Proof of Publication
of Notice of proposed transfer, Gustus Jacobsen.
I also enclose my check for \$1.00, to cover the
fees.

Trusting that there will be no objection
to this transfer, I am

Yours very truly,

A handwritten signature in dark ink, appearing to read "O. A. Johanneesen", written in a cursive style. The signature is positioned to the right of the typed name "O. A. Johanneesen".

OAJ-w1

RECORDED
INDEXED
JUN 10 1930
FBI - BOISE

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 daily newspaper published daily except Sundays, 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 as a semi-weekly newspaper continuously and uninterruptedly from the date of such consolidation, up to, and including the 31st day of December, 1929, and continuously and uninterruptedly as a daily newspaper commencing with and continuously and uninterruptedly since January 1st, 1930, and 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:

May 22 - 29 / 1930

and that the said notice was published in the regular entire paper, and not in a supplement.

Subscribed in my presence and sworn to before me this 29 day of May, 1930

LEGAL NOTICES

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT—Notice is hereby given that James J. Jackson 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.: E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 36, Twp. 2 N., R. 43 E., B. M., to the following described tract: N $\frac{1}{2}$ of N $\frac{1}{2}$ of Sec. 4, Twp. 1 N., R. 44 E., B. M.

And that, on the 5th day of June, A. D. 1930, at 11 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.
Pub. T-R May 22-29.

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

By Alvin H. Bair Deputy Clerk

RECORDED

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

May 26th, 1930.

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

Dear Mr. Carter:

In re: Gustus Jacobsen's Application.

I have yours of May 23rd, and note what you say with respect to some evidence of title. I will procure a certificate from the Abstract Company, showing that the property, from which the water is to be taken, stands of record in name of Mr. Jacobsen. This will be forwarded to you in the next few days.

Yours very truly

Oscar A. Johannesen

OAJ-w1

RECEIVED

RECEIVED

May 23, 1930

Re: Application for Transfer
Gustus Jacobson, Applicant

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

Dear Mr. Johannesen:

I have before me the application for transfer of water right filed here May 20 by you in behalf of Gustus Jacobson. It appears that the notice for publication is already running.

The application will be sent to Mr. Crandall, of Idaho Falls, for his report, as provided in the transfer procedure.

I believe that some evidence of title to the land to which the water is now appurtenant should be furnished; ordinarily, an abstract of title is required. You will possibly recall that in a good many transfer cases involving various canal companies in the upper Snake River valley that this requirement has been waived. It was for the reason that all evidence of water rights in these companies is by stock certificate, and said water rights are frequently not attached to lands legally described. However, in cases of individual water rights, it is the uniform practice of this office to request an abstract of title. Same should be available at least by the date of the hearing.

Further than these two requirements, I believe I have not observed anything lacking in the application.

Yours very truly,

Commissioner of Reclamation.

GNC/eq
CC: Mr. Lynn Crandall
Enc.

RECEIVED

RECEIVED
JUN 6 1934
FBI - BUTTE

Mr. Carter - Mr. Johannesen brought this application in and said he did not have time before leaving Idaho F. to have Mr. Crandall sign it but thought it might be sent back for this as we had done once before. As the app. seemed in proper form with this exception, I have set June 6 as date and mailed notice to the Times-R

B.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date May 20, 1930

PUBLISHER

The Times-Register
Idaho Falls, Idaho

DEAR SIR:

two

Enclosed you will find notice for publication once a week for ~~four~~ consecutive weeks prior to June 5, 1930, the date set for ^{hearing} ~~proof~~, the expense of the publication to be paid by the applicant, or his attorney, O.A. Johannesen, of
Idaho Falls,
to whom you should furnish proof of publication on or prior to the date set for ^{hearing} ~~proof~~.

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

Very truly yours,

GEO. N. CARTER

Commissioner of Reclamation

RECEIVED

Notice of Proposed Transfer of Water Right

Notice is hereby given that Gustus Jacobson 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. : E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 36, Twp. 2 N., R. 43 E., B.M.,
to the following described tract : N $\frac{1}{2}$ of N $\frac{1}{2}$ of Sec. 4, Twp. 1 N., R. 44 E., B.M.

And that, on the 5th day of June, A. D. 1920, 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.

MICROFILMED

MICROFILMED

HOLDEN & HOLDEN
ATTORNEYS AT LAW
IDAHO FIRST NATIONAL BANK BUILDING
IDAHO FALLS, IDAHO
TELEPHONE 4450

ARTHUR W. HOLDEN
WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
HOWARD R. STINSON
REED A. WILLIAMS

OCT 7 1955
Department of Reclamation

OCTOBER 5, 1955

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
STATE HOUSE
BOISE, IDAHO

GENTLEMEN:

WE ARE ENCLOSING OUR CHECK PAYABLE TO YOUR ORDER IN
THE AMOUNT OF \$1.00 FOR RECORDING TRANSFER CERTIFICATE
No. 860 IN THE NAME OF RICHARD A. BEAM OF SWAN VALLEY,
IDAHO.

THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

YOURS VERY TRULY,

HOLDEN & HOLDEN

BY R. Vern Kidwell
R. VERN KIDWELL

RVK:JK
ENCL.

R-27593

RECORDED

860

October 3, 1955

Messrs. Holden & Holden
First National Bank Building
Idaho Falls, Idaho

ATTENTION: Mr. R. Vern Kidwell

Dear Mr. Kidwell:

We enclose Transfer Certificate No. 860 in the name of Richard A. Beam of Swan Valley, Idaho, and by this same mail we are sending a copy to Mr. Lynn Crandall, Watermaster, for his information.

There is a fee of \$1.00 for recording this Transfer for which you or Mr. Beam will please send us check.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

CC: Mr. Lynn Crandall

MICROFILMED

HOLDEN & HOLDEN
ATTORNEYS AT LAW
IDAHO FIRST NATIONAL BANK BUILDING
IDAHO FALLS, IDAHO
TELEPHONE 4450

ARTHUR W. HOLDEN
WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
HOWARD R. STINSON
REED A. WILLIAMS

August 4, 1955

RECEIVED
AUG 5 1955
Department of Reclamation

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

Dear Mr. Kulp:

We have received from the Post Register two affidavits of publication showing publication of notice of proposed transfer of water right of Richard A. Beam, of Swan Valley, Idaho.

We are uncertain as to whether or not the original proof of publication was forwarded to your office, and in order to make certain that the proof of publication is available, we are enclosing one of the affidavits of publication to file with the application for the transfer.

As soon as the rights have been transferred will you kindly return the transferred rights to us.

Very truly yours,

HOLDEN & HOLDEN

By R. Vern Kidwell
R. Vern Kidwell

RVK:11
Encl.

UNRECORDED

860

Application For Transfer of Water Right

STATE OF IDAHO

County of Bonneville

ss.

Richard A. Beam

being first duly sworn, deposes and says:

That his name is Richard A. Beam; 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

That he is the owner and using a certain water right, bearing date of priority of April 9, 1889 Sept. 1, 19-1890 for 1.6 (each) cubic feet per second of the waters of Rainey Creek

County of Bonneville, State of Idaho, decreed to Gustus Jacobson Frew Brothers

by 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 Irrig. Co., et al vs. Tet n Irrigation Canal Co., said decree bearing date of December 16, 1910

(or obtained by virtue of License No. issued by the State Engineer of the State of Idaho, dated, 19, bearing date 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: N¹/₂N¹/₂ Sec. 4 Twp 1 N., R. 44 EBM, being transferred rights No. 488 and 419

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. owner by purchase 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 NE¹/₂SW¹/₄ of Section 33, Township 2N, Range 44 E, B. M., and conducted to the above described lands through private ditches as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.6 and 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:

Lots 1, 2, 3 and SE¹/₂NE¹/₄ Sec. 4, Twp 1 N., R. 44 EBM

That his reasons for desiring to make such transfer are as follows: That said waters have been used on lots 1, 2, 3 and SE¹/₂NE¹/₄ Sec. 4, Twp 1 N., R. 44 EBM since transferred rights No. 419 and 488 were entered. That through error, said transferred rights showed the water transferred to Lot 4, rather than SE¹/₂NE¹/₄ Sec. 4. This application is to correct prior certificates to show correct legal description of lands to which transferred.

[illegible]

WHEREFORE, 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.

Subscribed and sworn to before me this 28th day of May

Dorothy Linnell
Natalie Baker

From what stream is the water diverted? Rainey Creek

Where is the diversion point located? NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp. 2 N, R. 44 EBM

Through what ditch is it now conducted? existing private ditch

How much land is now irrigated by the water sought to be transferred? 160 acres

Give the description: Lots 1, 2, 3 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Sec. 4, Twp 1 N,
R. 44 EBM

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

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

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

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

become worthless--(application will merely correct prior error in desc.)

Give location of new point of diversion, if change is to be made no change

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

How much water will be required per acre to irrigate the land to which this water is transferred?.....
 1 inch per acre) is currently irrigated by this water)

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.....

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.....

Signed Richard A. Brien
Applicant.

STATE OF IDAHO,

County of Bonneville

ss.

I, LYNN CRANDALL, Watermaster of Snake River
Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address
is Swan Valley, Idaho, have read or heard read the foregoing affidavit and petition
of Richard A. Beam, 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: That the water has at all times
been used upon the land to which the request has been made for a transfer and that
the prior transferred rights herein set forth by erroneous legal description showed
the water to be transferred to Lot 4 when in reality it was transferred to the SE¹
of the NE¹ all in Section 4, Twp. 1 North, Rge. 44 East, B.M. Watermaster Dist. No. 36

Dated at Idaho Falls, Idaho, this 3 day of July, 1955
Lynn Crandall

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

STATE OF IDAHO,

County of Bonneville

ss.

Arvey A. Weeks

and

Thomas M. Weeks

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 Irwin, Idaho that he is user of water from Rainey Creek, in Water District No. 36 County of Bonneville, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Richard A. Beam 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.

Arvey A. Weeks
Thomas M. Weeks

Subscribed and sworn to before me this 13th day of June

A. D. 1955

Dorothy Guinness
Notary Public

STATE OF IDAHO,

County of Bonneville

ss.

I, Frank S. Thomas

Watermaster of Rainey Creek

Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address is Swan Valley, Idaho, have read or heard read the foregoing affidavit and petition of Richard A. Beam, 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: That the water has at all times been used upon the land to which the request has been made for a transfer and that the prior transferred rights herein set forth by erroneous legal description showed the water to be transferred to lot 4 when in reality it was transferred to the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ all in Section 4, Township 1 North, Range 44 E.B.M. Watermaster Dist. No. 36

Frank S. Thomas

Dated at Idaho Falls, Idaho, this 13th day of June, 1955

Dorothy Guinness
Notary Public

Name 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 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 consecutive weeks, first publication having been made on the 7th day of July, 1955, last publication having been made on the 14th day of JULY, 1955, 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 14th day of July, 1955.

Karl S. Hall
Notary Public

My comission expires April 5, 1959.

B10, 1M, 2-50



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Application For Transfer of Water Right

STATE OF IDAHO,

County of

Bonnieville } ss.

Gustus Jacobson

, being first duly sworn, deposes and says:

That his name is Gustus Jacobson; 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

That he is the owner and using a certain water right, bearing date of priority of Apr 9th 1889 for 1.6 cubic feet per second of the waters of Rainy Creek County of Bonnieville, State of Idaho, decreed to A. J. Bernard by decree of Judge, J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Tremont, in the case of Rexburg Irrigation Co. et al vs. Titon Irrigation Canal Co. et al, 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 Bonnieville and State of Idaho, to-wit:

E 1/2 Sec 16 1/4 (has been erroneously described as E 1/2 Sec 14)
of Sec. 36 Twp 2 No. R 43 E 2m

_____ 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 purchase and deed, then means conveyance, from A. J. Bernard

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 E 1/2 Sec 14 of Section 33, Township 2 N., Range 44 E., B. M., and conducted to the above described lands through private ditch - called Shurtleif Bernard ditch 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 Bonnieville and State of Idaho, to-wit:

N 1/2 N 1/2 Sec. 4 Twp 1 No R 44 E 2m

That his reasons for desiring to make such transfer are as follows: The land to which I desire to transfer the water, has not sufficient water for it to grow crops profitably. It is far more valuable land than that on which water is now used, and will grow better crops, if it has a sufficient water supply.

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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: Through a private ditch, known as the Beam ditch, situated but a short distance from present ditch, the point of intake being also situated in the E 1/2 Sec 1/4, Sec 33, Twp 2 N. R. 44 E. 30m

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.

Justus Jacobson

Applicant.

Subscribed and sworn to before me this 19th day of May
A. D. 1930.

O. G. Johansson
Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Rainy Creek, a tributary of Snake River

Where is the diversion point located? E 1/2 Sec 1/4 - Sec 33 - Twp 2 N. R. 44 E. 30m

Through what ditch is it now conducted? private - called Abbot's & Beam ditch

How much land is now irrigated by the water sought to be transferred? 80

Give the description: E 1/2 Sec 1/4 - Sec 36 Twp 2 N. R. 43 E. 30m

What is the total amount of water in inches, or second feet, dedicated to said land? 80 inches

What kind of crops are being raised? grain & hay

How much water per acre is now required to irrigate said land? not less than 1 inch

What will be the effect on the land now irrigated, if the use of water on it is discontinued? unless underground water is developed, it will have value only for pasture. I intend to sink wells and put in a pumping plant.

Give location of new point of diversion, if change is to be made. E 1/2 Sec 1/4 - 33 - 2 N. 44 E.

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

How much water will be required per acre to irrigate the land to which this water is transferred? about 2 inches per acre.

Do you claim any other water right for the land from which you seek to abandon the use of this water? No

If so, give amount, date and source.

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 - Rainy Creek - 120 in - 1885, 80 in 1890 (this is not dependent)

Signed Justus Jacobson
Applicant.

STATE OF IDAHO,

County of Bonneville } SS.

Frank Beam and C.B. Van Dorn

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, Idaho, that he is a user of water from Rainey Creek, in Water District No. 36, County of Bonneville, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Gustav Jacobson 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.

Frank Beam
C.B. Van Dorn

Subscribed and sworn to before me this 19th day of May

A. D. 1930

A.H. Johnson
Notary Public

STATE OF IDAHO,

County of Bonneville } SS.

I, Lynn Randall, Watermaster of Idaho Falls, Water District No. 36, County of Bonneville et al, State of Idaho, whose postoffice address is Idaho Falls, have read or heard read the foregoing affidavit and petition of Gustav Jacobson, 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. 36

Lynn Randall

Dated at Idaho Falls, Idaho, this 26 day of May, 1930

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