

File 45-G 45.528

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

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

CERTIFICATE NO. 89, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted MARIE BURSTROM and FRED S. BELL, of Albion, County of Cassia, State of Idaho, to transfer the use of thrity (30) inches of the waters of Rose Creek, County of Cassia, State of Idaho, from the lands for which it was originally decreed, i. e., Lots 3 and 4 and the South half of the Northwest quarter (S2 NW4) of Section 5, Township 12 South, Range 25 East of Boise Meridian, to the following described lands, to-wit: Southwest quarter (SW4) of Section 33, Township 11 South, Range 25 East of Boise Meridian.

The water right appurtenant to the above described lands was adjudged by decree, dated March 21, 1892, of C. O. Stockslager, Judge of the Fourth Judicial strict of the State of Idaho, in and for the County of Cassia, in the matter of L. Wood, et al, plaintiffs, vs. Wm. Stokes, et al, defendants.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of office at Boise, Idaho, this tenth day of January, 1912.

(SEAL)

A. E. Robinson.

State Engineer.

RECORDED

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Stark, D. I.	0.6		45-0528
89	Burstrom, Marie & Bell, Fred S.	0.6	0	45-0528A
411	Burgess, John I	0.6	0	45-0528B

TRANSFER

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 John I. Burgess for Transfer of Water Right: Water District No. 26; Case No. 198.	}	<u>ORDER GRANTING TRANSFER</u>
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Whereas, On the 10th day of November, 1927, at the Department of Reclamation at Boise, Idaho, the matter of the application of John I. Burgess 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 22nd day of November, 1927.

Commissioner of Reclamation.

RECORDED

Not to be used
In the District Court of the Southern
Judicial District in and for the
County of Cassia, State of Idaho 45-G

R. L. Wood, et al
Plaintiffs

vs

Wm. Stokes, et al
Defendants,

Transfers Noted

This cause having been heretofore tried by the Court without a jury and the Court having made its findings and conclusions of law,

It is now ordered adjudged and decreed that the following persons parties to this action are entitled to divert from Marsh Creek and its tributary streams situate in Cassia County, Idaho, the amount of water hereinafter indicated, the amount of each party to date from the time hereinafter stated and set apposite his or their name, to-wit:

45 0258 Hardy Sears one hundred (100) inches from Land Creek tributary to Marsh Creek March 1st. 1875.

45 0259 Hardy Sears, Thirty inches from Rose Creek tributary to Marsh Creek March 1st. 1875.

45 0260 M. A. Harroun Seventy inches (70) from Howell Creek Tributary to Marsh Creek, March 31st. 1876.

45 0261 Josiah Bridger Fifty inches (50) from Marsh Creek March 31st. 1882.

45 0262 John Bridger Sixty inches from Marsh Creek November 30, 1879.

45 0263 J. W. Lamoreaux Sixty inches from Marsh Creek April 16th 1881.

45 0264 J. W. Lamoreaux, Sixty (60) inches from Marsh Creek July 21st 1884.

45 0265 J. W. Lamoreaux Four hundred and eighty (480) inches from Marsh Creek from January 1st. to July of each year when not in use by prior appropriators.

45 0266 T. A. Starrh, Sixty inches from Land Creek Tributary to Marsh Creek June 15, 1875.

45 0267 S. R. Gain Fifty inches from Marsh Creek June 5th, 1875.

45 0268 A. W. Gain one hundred and thirty three and 1/3 inches from Marsh Creek May 30, 1879.

Trans 676

RECEIVED

Marsh Creek from the 31st. day of March, 1878.

19.

45-0528 Mary R. Norton one hundred (100) inches of the waters of Marsh Creek from the 30th day of April 1874. Trans #675

20.

45-0529 D. I. Stark one hundred (100) inches of the waters of Land Creek, a tributary of Marsh Creek, from the 1st. day of March 1875, and thirty (30) inches of the waters of Rose Creek, a tributary of Marsh Creek, from 1st. day of March 1875, and 30 inches of the waters of Marsh Creek from the 1st. day of April 1876.

21.

45-0517 William Stokes 134 inches of the waters of Howell Creek, a tributary of Marsh Creek, from the 1st. day of April 1875, and twenty (20) inches of the waters of Spring Creek (a tributary of Marsh creek, from the 31st. day of August 1874, and ninety five (95) inches of the waters of Rose Creek, a tributary of Marsh Creek, from the 1st. day of April 1876, and 2 inches of water from Springs, tributary of Marsh Creek, from the 1st. day of April 1875. Trans #639-755 #775 #1029

22.

45-0518 William Stokes for the heirs of George Stokes, Fifteen inches of the waters of Howell Creek, a tributary of Marsh Creek, from the 1st. day of April 1878.

23.

45-0519 E. J. Stokes, Eighty (80) inches of the waters of Howell Creek tributary of Marsh Creek, from the 1st. day of September 1880.

24.

45-0520 Wm. Stokes, Potter claims, Seventy inches of the waters of Rose Creek, a tributary of Marsh Creek, from the 5th day of June 1875.

25.

45-0521 C. M. Gray one hundred and twenty five (125) inches of the waters of Land Creek a tributary of Marsh Creek, from the 3d. day of November 1875.

26

45-0522 A. B. Williams Forty inches of the waters of Land Creek, a tributary of Marsh Creek, from June 30th 1881.

*In the District Court of the Fourth
Judicial District in and for the
County of Cassia, Idaho 45-G*

R. L. Good, et al
Plaintiffs

vs

Wm. Stokes, et al
Defendants,

This cause having been heretofore tried by the Court without a jury and the Court having made its findings and conclusions of law,

It is now ordered adjudged and decreed that the following persons parties to this action are entitled to divert from Marsh Creek and its tributary streams situate in Cassia County, Idaho, the amount of water hereinafter indicated, the amount of each party to date from the time hereinafter stated and set apposite his or their name, to-wit:

Hardy Bears one hundred (100) inches from Land Creek tributary to Marsh Creek March 1st. 1875.

45 0259 Hardy Bears, Thirty inches from Rose Creek tributary to Marsh Creek March 1st. 1875.

45 0260 M. A. Harroun Seventy inches (70) from Howell Creek Tributary to Marsh Creek, March 31st. 1876.

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45 0268 S. R. Guin one hundred and thirty three and 1/3 inches from Marsh Creek May 30, 1879.

Marsh Creek from the 21st. day of March, 1878.

19.

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45-0529 D. I. Stark one hundred (100) inches of the waters of Land Creek, a tributary of Marsh Creek, from the 1st. day of March 1875, and thirty (30) inches of the waters of Rose Creek, a tributary of Marsh Creek, from 1st. day of March 1875, and 30 inches of the waters of Marsh Creek from the 1st. day of April 1876.

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45-0518 inches of the waters of Rose Creek, a tributary of Marsh Creek, from the 1st. day of April 1876, and 2 inches of water from Springs, tributary of Marsh Creek, from the 1st. day of April 1875. #751

22.

45-0519 William Stokes for the heirs of George Stokes, Fifteen inches of the waters of Howell Creek, a tributary of Marsh Creek, from the 1st. day of April 1878.

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45-0520 C. J. Stokes, Eighty (80) inches of the waters of Howell Creek tributary of Marsh Creek, from the 1st. day of September 1880.

24.

45-0521 Wm. Stokes, Potter claims, Seventy inches of the waters of Rose Creek, tributary of Marsh Creek, from the 5th day of June 1875.

25.

45-0522 J. M. Gray one hundred and twenty five (125) inches of the waters of Land Creek a tributary of Marsh Creek, from the 3d. day of November 1875.

26

45-0523 W. B. Williams Forty inches of the waters of Land Creek, a tributary of Marsh Creek, from June 30th 1881.

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 411.

This is to certify that John I. Burgess, of Burley, County of Cassia, State of Idaho, has a right to the use of the waters of Rose Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the district court of the Fourth Judicial District of the State of Idaho in and for the County of Cassia, in the case of R. L. Wood, et al, plaintiffs, vs. Wm. Stokes, et al, defendants, C. O. Stockslager, District Judge, wherein 0.6 second feet of the waters of Rose Creek, in Water District No. 26, was dedicated to the Southwest Quarter (SW $\frac{1}{4}$), Section 33, Twp. 11 S., R. 25 E., B.M., said right bearing date of priority of March 1, 1876;

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Book One of Decrees at Page 607;

That upon the application of John I. Burgess 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 0.6 second feet of the waters of Rose 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 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:

0.6 second feet, dated March 1, 1876;

Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 17, Twp. 12 S., Rge. 25 E., B.M.;

That the water to be transferred will be diverted as heretofore in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 17, Twp. 12 S., Rge. 25 E., B.M.;

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;

That no right to the use of water on the lands above described exists at the date of this certificate except as herein stated.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 22nd day of November, 1927.

GEO. N. CARTER.
Commissioner of Reclamation.

(SEAL)

November 23, 1927.

Re: Transfer Water Right.

Mr. John I. Burgess,
Burley, Idaho.

Dear Sir:

We are mailing you herewith Certificate of
Transfer No. 411.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

Enc.

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Cassia } ss.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that John I. Burgess of Burley, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 0.6 second feet of the water of Rose Creek from the land upon which it is now used, i. e. SW 1/4 of Sec. 33, Twp. 11 S., R. 25 E. B. M., to the following described tract: NW 1/4 of Sec. 17, Twp. 12 S., R. 25 E. B. M.

and that, on the 10th day of November, A. D., 1927, at 10 o'clock a. m., at the Dept. of Reclamation State House, 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.
(Oct. 27, Nov. 3, 2)

I, Henry C. Dworshak,
do solemnly swear that I am the printer
of THE BURLEY BULLETIN, a newspaper of general circulation, published at Burley, Idaho; that the notice attached hereto, and which is a part of this affidavit and part of the proof of publication thereof, was published in THE BURLEY BULLETIN, for two consecutive weeks, the first publication having been made on the 27th day of October 1927 and the last publication having been made on the 3rd day of November 1927; that said notice was published in the regular edition of said newspaper and not in a supplement thereof.

Henry C. Dworshak

Subscribed and sworn to before me this 5th day of November 1927

Chas A Johnson
Notary Public

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Cassia } ss.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that John I. Burgess of Burley, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 0.6 second feet of the water of Rose Creek from the land upon which it is now used, i. e. SW $\frac{1}{4}$ of Sec. 33, Twp. 11 S., R. 25 E. B. M., to the following described tract: NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 17, Twp. 12 S., R. 25 E. B. M. and that, on the 10th day of November, A. D., 1927, at 10 o'clock a. m., at the Dept. of Reclamation, State House,

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.
(Oct. 27, Nov. 3, 2)

I, Henry C. Dworshak,
do solemnly swear that I am the printer
of THE BURLEY BULLETIN, a newspaper of general circulation, published at Burley, Idaho; that the notice attached hereto, and which is a part of this affidavit and part of the proof of publication thereof, was published in THE BURLEY BULLETIN, for two consecutive weeks, the first publication having been made on the 27th day of October 1927 and the last publication having been made on the 3rd day of November 1927; that said notice was published in the regular edition of said newspaper and not in a supplement thereof.

Henry C. Dworshak

Subscribed and sworn to before me this 5th day of November 1927

Chas A Johnson
Notary Public

DEPARTMENT OF RECLAMATION N^o 12213

Boise, Idaho, Nov. 22, 1927

RECEIVED
FROM

John L. Burgess of *Burley* \$ 1⁰⁰
One and 00/100 DOLLARS

FOR

Carey Act Trust Fund - - -	\$		
Application for Permit No. - -	\$		
Proofs - - - - -	\$		
Certified Copy - - - - -	\$		
Recording Deed - - - - -	\$		
Certificate <i>Transferred</i> - - -	\$	<i>100</i>	
Total - - -	\$	<i>100</i>	

Geo. W. Hart
Commissioner of Reclamation
By *Samuel Lane*

November 10, 1927.

Re: Transfer of Water Right.

Mr. John I. Burgess,

Burley, Idaho.

Dear Sir:

As no protests have been filed against your application for transfer of water right, the certificate will be granted in regular order upon receipt of the affidavit of publication.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

B:P

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date Oct. 19, 1927

PUBLISHER, THE BULLETIN,
Burley, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two}~~four~~ consecutive weeks prior to November 10, 1927, the date set for ^{hearing}~~prior~~, the expense of the publication to be paid by the applicant, John I. Burgess, of Burley, to whom you should furnish proof of publication on or prior to the date set for ^{hearing}~~prior~~.

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.

Notice of Proposed Transfer of Water Right

Notice is hereby given that John I. Burgess of Barley, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 0.6 second feet of the water of Rose Creek, from the land upon which it is now used, i. e. SW¹ of Sec. 35, Twp. 11 S., R. 25 E., B.M. to the following described tract NE¹ of NE¹, Sec. 17, Twp. 12 S., R. 25 E., B.M.

And that, on the 10th day of November, A. D. 1912, at 10 o'clock a.m., At the Dept. of Reclamation, State House. 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. H. Carter,

Commissioner of Reclamation

Date October 26, 1927.

George N. Carter, Commissioner of Reclamation,

Boice, Idaho.

We are sending you herewith proof of legal notice, which you have ordered published in The Bulletin, as it appears in first publication. If there are any errors, will you kindly advise us at once?

We thank you for this business.

Very truly yours,

THE BURLEY BULLETIN.

**NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT**

Notice is hereby given that John I. Burgess of Burley, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 0.6 second feet of the water of Rose Creek from the land upon which it is now used, i. e. SW $\frac{1}{4}$ of Sec. 33, Twp. 11 S., R. 25 E. B. M., to the following described tract: NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 17, Twp. 12 S., R. 25 E. B. M.

And that, on the 10th day of November, A. D., 1927, at 10 o'clock a. m., at the Dept. of Reclamation, State House, 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.

(Oct. 27, Nov. 3, 2)

October 19, 1927.

Re: Transfer Water Right.

MR. JOHN I. BURGESS,
Burley,
Idaho.

Dear Sir:-

We are today in receipt of your application for transfer of water right, together with the consent of the Utah Mortgage Loan Corporation.

The date for the hearing has been set for November 10th, to be held at this office at 10 o'clock a.m.

It will not be necessary for you to appear at the hearing, either in person or by further affidavit, unless a protest be filed, in which event you will be further notified.

The statutory fee for the certificate of transfer is \$1.00, which should be sent in with the affidavit of publication on or prior to the date set for the hearing.

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

By _____
Chief Clerk.

Application For Transfer of Water Right

RECEIVED

OCT 6 1907

DEPARTMENT OF RECLAMATION

STATE OF IDAHO,

County of Cassia

} ss.

John I. Burgess, being first duly sworn, deposes and says:

That his name is John I. Burgess; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Burley Idaho

That he is the owner and using a certain water right, bearing date of priority of 3/1/1876 for 30 miners inches ~~abstracted from~~ of the waters of Rose Creek County of Cassia, State of Idaho, decreed to Stark by decree of Judge, C.O. Stockslager of the 4th Judicial District of the State of Idaho, in and for the County of Cassia, in the case of R.L. Wood et al vs. Wm Stokes et al, said decree bearing date of March 21, 1892 (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. 26 in the County of Cassia and State of Idaho, to-wit: S.W. 1/4 Sec. 33, Tp 11S, Range 25 E.B.M.

_____ and is the _____ (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

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 NW 1/4 of the NE 1/4 Section 17, Township 12, Range 25 E, B. M., and conducted to the above described lands through Sections 17, 16, 9 and 4 as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 30 miners inches ~~abstracted from~~ 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 Cassia and State of Idaho, to-wit: NW 1/4 of the NE 1/4 of Section 17, Township twelve South, Range twenty five E.B.M.

That his reasons for desiring to make such transfer are as follows: That the land (SW 1/4 of Section 33 Township 11 South, Range Twenty five E.B.M.) is too far from the point of diversion to get sufficient benefit from the water thus causing a large percentage of seepage

Case 199

That he intends to divert and convey said 30 inches miners inches ~~second feet~~ of water to the tract of land last above described in the following manner, to-wit: by private ditch over land belonging ^{to} ~~party~~ owning the land that water is to be transferred to

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.

Subscribed and sworn to before me this

29th

day of

September

Applicant.

A. D. 1927

B. F. Wilson
Clerk of Dist Court.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Rose Creek

Where is the diversion point located? NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 17, Tp. 12 S., R. 25 E.B.M.

Through what ditch is it now conducted? Mahoney Ditch

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

Give the description: S.W. $\frac{1}{4}$ Section 33, Township 11 South, Range 24 E.B.M.
25-

What is the total amount of water in inches, or second feet, dedicated to said land? 190 mostly flood water

What kind of crops are being raised? Chiefly pasture

How much water per acre is now required to irrigate said land? 190

What will be the effect on the land now irrigated, if the use of water on it is discontinued? not a great deal of change as water to be transferred must be conducted too far for use

Give location of new point of diversion, if change is to be made same

Through what ditch will it be conducted after transfer? private

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

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

If so, give amount, date and source 1892 from Marsh Creek
70 inches 1881 from Howell Creek; 90 inches/

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source no

Signed

John J. Burger
Applicant.

STATE OF IDAHO,

County of Cassia

ss.

David Lewis

and

Josh Sweat

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 Albion, Idaho

that he is a user of water from Rose Creek, in Water District No. 26

County of Cassia

State of Idaho; that he has read or heard read the foregoing affidavit and petition of John I. Burgess

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.

David Lewis

Josh Sweat

Subscribed and sworn to before me this

13th

day of

August

A. D. 1927

George Burr

Notary Public, State of Idaho,
Residing at Albion, Idaho.

STATE OF IDAHO,

County of Cassia

ss.

I,

Matthew Trumayne

Watermaster of

Warm Creek

Water District No. 26, County of Cassia, State of Idaho, whose postoffice address

is Albion, Idaho, have read or heard read the foregoing affidavit and petition

of John I. Burgess, 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:

This transfer is
practical, for on account of distance, there is a great evaporation.
and under present conditions no benefit can be derived.

Watermaster, Dist. No. 26

Matthew Trumayne

Dated at Albion, Idaho, this

13th

day of August

1927

Name of Applicant

East

Sec. 36

SEC. 1

SEC. 12

SEC. 13

Sec. 35

SEC. 2

SEC. 11

SEC. 14

Sec. 34

SEC. 3

SEC. 10

SEC. 15

Township Line

T 12 S R. 25 E

North

Sec. 33

SEC. 4

SEC. 9

SEC. 16

Sec. 32

SEC. 5

SEC. 8

SEC. 17

Sec. 31

SEC. 6

SEC. 7

SEC. 18

South

Ditch Leading to SW 1/4 of 33-11-25

Rose Creek - Main Channel



Land Water 1/4 Sec 8-11-25

Land Water 1/4 Sec 17-12-25

West

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

Township 12

Township 12

State of Idaho

H. C. BALDRIDGE, GOVERNOR

DEPARTMENT OF RECLAMATION

GEORGE N. CARTER, COMMISSIONER
BOISE

October 10, 1927

Re: APPLICATION FOR TRANSFER
Rose Creek Water

Mr. JOHN L. BURGESS,
Burley,
Idaho.

Dear Sir:

Your application for transfer of 30 inches of water of Rose Creek is received. An examination of the abstract discloses that the Utah Mortgage Loan Corporation is holder of a mortgage on the land and water rights appurtenant thereto from which you desire to transfer this water. Before the application can be acted upon, it will be necessary for you to have this Mortgage Company either join you in the application or by separate statement under its corporate seal grant you permission to make this transfer.

I am enclosing the abstract together with the application for transfer. When the application for transfer is ready for return it will not be necessary for you to return the abstract as I have made a notation of clearance in this matter.

Very truly yours,

Myron Swendsen
Assistant Commissioner
of Reclamation.

MS:tp
Encl-2

*H 21006
B.F. Mahoney*

*Please
grant the permission
and return name
to me as soon as possible
of the abstract
yourself*

John L. Burgess
"Oct 23"

CONSENT FOR TRANSFER OF WATER RIGHT.

UTAH MORTGAGE LOAN CORPORATION, a corporation, of Logan City, Cache County, Utah, hereby consents and agrees to the terms and conditions of a certain application for the transfer of water right made to the Department of Reclamation of the State of Idaho, by John I. Burgess, dated September 29th, 1927, and marked received by the said Department of Reclamation on October 6th, 1927, which application is for the transfer of thirty miner's inches of the waters of Rose Creek, in Cassia County, Idaho, which has been used on the Southwest Quarter of Section Thirty-three (33), Township Eleven (11) South of Range Twenty-five (25) East of the Boise Meridian; said water hereafter to be used on the Northwest Quarter of the Northeast Quarter of Section Seventeen (17), Township Twelve (12) South of Range Twenty-five (25) East of the Boise Meridian.

The said UTAH MORTGAGE LOAN CORPORATION hereby consents that the said change and transfer may be made.

IN WITNESS WHEREOF, said corporation has caused this instrument to be signed by its President and Secretary and attested by its corporate seal this 14th day of October, 1927.

UTAH MORTGAGE LOAN CORPORATION,

By

President

Secretary

Signed in the presence of:

STATE OF UTAH :
County of Cache : ss

On this 14th day of October, 1927, before me Willard Paulsen, a Notary Public, personally appeared A. H. Thompson and Irving L. Brangham, known to me to be the President and Secretary, respectively, of the corporation that executed the above instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public.

My commission expires May 9th, 1928.
Residence of Notary Public: Logan, Utah.

January 13, 1912.

Permit transfer of water.

Fred S. Bell,
Albion, Idaho

Sir:-

Am inclosing you herewith certificate of Transfer,
No. 89.

Very truly yours,

State Engineer.

CCT

By...

Jan. 10, 1912.

Re transfer.

Mr. Fred S. Bell,
Albion, Idaho.

Sir:-

I am inclosing you herewith receipt for fee of \$1.00, which I find had already been received in payment of certificate of transfer. This was overlooked at the time the letter mailed you yesterday was written. The certificate will be issued and mailed to you in a few days.

Very truly yours,

State Engineer.

R4174

By...

Jan. 9, 1912.

Re transfer of water

Mr. Fred S. Bell,
Albion, Idaho.

Sir:-

I am returning you herewith the abstract of title filed with your application for transfer of water right. Upon receipt of fee of \$1.00 the certificate of transfer will be issued.

Very truly yours,

State Engineer.

Abs.

By...

RECEIVED
JAN 10 1912
STATE ENGINEER
IDAHO

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

A.E. ROBINSON
STATE ENGINEER

Boise, Idaho January 2nd, 1912.

Hon. A. E. Robinson,
State Engineer,
Boise, Idaho.

Sir:-

Herewith find enclosed abstract
and all papers relating to the water trans-
fer of Mrs. Mary Burstom and F.S. Bell of
Albion, Idaho.

You will oblige me by returning
abstract to Mr. Bell at the earliest possible
date.

Very truly yours,



Water Commissioner, 2nd Div.

Encl-Abstract, etc.

M/F

Albion, Idaho.

December
~~November~~ 26th 1911.

Hon; Ravanel Macbeth.

State Watter Commissioner.

Mackay, Idaho.

Dear Sir; -

I am enclosing to you the Application for Transfer of Water right made by Marie Burstrom and Fred S/Bell, also Notive of Proposed Transfer of water right, Affidavit of the Publication of the same, and an abstract covering the land and water as called for by the State Engineer.

I also desire to say that as your agent in this matter no one appeared before me on the 31st day of October, 1911, the date set for that purpose, in person or by attorney to make and enter their protest, or to give their reason or reasons why a certificate of transfer should not be issued to the persons desiring the transfer.

Mr Fred S. Bell one of the applicants was present on that day to meet any person that might appear, but no evidence of any kind was offered or taken.

Yours truly.

Jos. J. Haight

P.S. Mr Bell desires that the abstract be returned to him as soon the object for which it is desired is accomplished.

J.Y.H.

August 24, 1911

Re Transfer

F. S. Bell,
Albion, Idaho

Sir:-

Your application for transfer of water right has been forwarded to Hon. Ravenel Macbeth, water commissioner of the 2nd Division, who will set the date and place for hearing. The money order for fees will be held pending receipt of final papers at which time the receipt will be issued, if everything is satisfactory.

You should file and abstract of title to the water or a copy of the deed. This should be filed with Mr. Macbeth, or his agent, at the time of hearing.

Very truly yours,

State Engineer.

By...

August 24, 1911

Re app. for trans.

Hon. Ravenel Macbeth,
Water Com. 2nd Division,
MacKay, Idaho

Sir:-

I am inclosing you herewith application of
Marie Burstrom and Fred S. Bell for transfer of water
right. I have written Mr. Bell to furnish an abstract
of title to the water.

Very truly yours,

State Engineer.

Ap.Tr.

By...

Maneland Ranch

Frank R. Parker

Albion, Idaho

OFFICE OF STATE ENGINEER

AUG 22 1911

RECEIVED

A. E. Robinson

Boise Idaho

Dear Sir: - Enclose please find
papers, & application relative to transfer
of water right - also enclose money
order for one dollar.

Trust that I have papers all O.K.
and wit your further commance
in the matter.

Yours truly
A. E. Robinson

RECEIVED

AFFIDAVIT of PUBLICATION

STATE OF IDAHO,

COUNTY OF CASSIA.

SS.

I, A. E. Coleman ~~Publisher~~ Foreman, of the Albion Nugget, a weekly newspaper of general circulation, published once each week at Albion, Cassia County, Idaho, do solemnly swear that a copy of the notice attached hereto and which is made a part of this affidavit, and a part of the proof of publication, was published in said newspaper for four consecutive weeks, commencing with the issue dated Oct 6, 1911, and ending with the issue dated Oct 27, 1911, that said notice was published in the regular and entire issue of every number and not in any supplement thereof, and that said newspaper has been published for more than fifty-two consecutive weeks prior to date of first publication of said notice.

Subscribed and sworn to before me

this 14 day of November, 1911.

James A. Bauman
Notary Public, Cassia County, Idaho.

My Commission expires April 6/13

AFFIDAVIT of PUBLICATION

STATE OF IDAHO.

SS.

COUNTY OF CASSIA.

Notice of Proposed Transfer of Water Right.

Notice is hereby given that Marie Burstrom and Fred S. Ball of Albion, Cassia Co. Idaho, has applied to the State Engineer of the State of Idaho for a certificate authorizing them to transfer the use of 30 inches under a four inch pressure of the water of Rose Creek, Cassia County, Idaho from the land upon which it is now used, i. e., lots 3 and 4 and $s\frac{1}{2}$ NW $\frac{1}{4}$, sec 5, twp 12s, rge 25 E, Boise Meridian, to the following described tract: SW $\frac{1}{4}$ sec 3s, twp 11s, rge 25 E, B. M.

And at 10 A. M. on the 31st day of October, A. D. 1911, at Albion, Idaho, before Ravenal Macbeth, the Water Commissioner of Division No. 2, or his authorized agent, J. Y. Haight, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

Full details of the proposed transfer may be obtained from H. U. Moody, watermaster of the said stream.

RAVENAL MACBETH,
52-1 Water Commissioner, 2nd Division.

I, Al Coleman Publisher Foreman, of the Albion Nugget, a weekly newspaper of general circulation, published once each week at Albion, Cassia County, Idaho, do solemnly swear that a copy of the notice attached hereto and which is made a part of this affidavit, and a part of the proof of publication, was published in said newspaper for five consecutive weeks, commencing with the issue dated Oct 6, 1911, and ending with the issue dated Oct 27, 1911, that said notice was published in the regular and entire issue of every number and not in any supplement thereof, and that said newspaper has been published for more than fifty-two consecutive weeks prior to date of first publication of said notice.

Subscribed and sworn to before me

this 4th day of November, 1911.

James A. Bauman
Notary Public, Cassia County, Idaho.

My Commission expires April 6/13

Notice of Proposed Transfer of Water Right.

Notice is hereby given that Marie Burstrom & Fred S. Bell. of Albion
Cassia Co., Idaho., has applied to the State Engineer of the State of Idaho for a certificate
 authorizing him to transfer the use of 30 inches under a four inch pressure of the water of
Rose Creek, Cassia County, Idaho.
 from the land upon which it is now used, i. e. Lots 3 and 4 and S 1/2 NW 1/4 of
Section 5, Tp 12 S, R, 25 E. B. M.

to the following described tract: SW 1/4 Section 33 Tp 11 S, R25 E. B. M.

at 10 A. M.

And that, on the 31st day of October, A. D.

1911, at Albion, Idaho. before Ravanel Macbeth

~~before~~ the Water Commissioner of ~~this~~ ^{No. 2} Division, or his authorized agent, the opportunity will be given
 to any and all persons to appear and present for his consideration any reason or reasons why a certifi-
 cate should not be issued authorizing such transfer.

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

H. C. Moody
Ravanel Macbeth
Water Commissioner 2nd Division

Township 12 S. R. 25 E. B. M.

Section 33

Sec 32

Sec 33

Sec 34

Land to which Trust is assigned
Lateral for East Howell Creek

Township Line

Land to which water was diverted

Old ditch call Point of diversion

Sec 4

Sec 3

Sketch
To accompany application of
Marie Burström and
Fred S. Bell for
Transfer of Water Right

Sec 8

Sec 9

Sec 10

N.

W. E.

S.

Sec 17

Sec 16

Sec 15

Proposed Ditch
Proposed Point of diversion

Sec 20

Sec 21

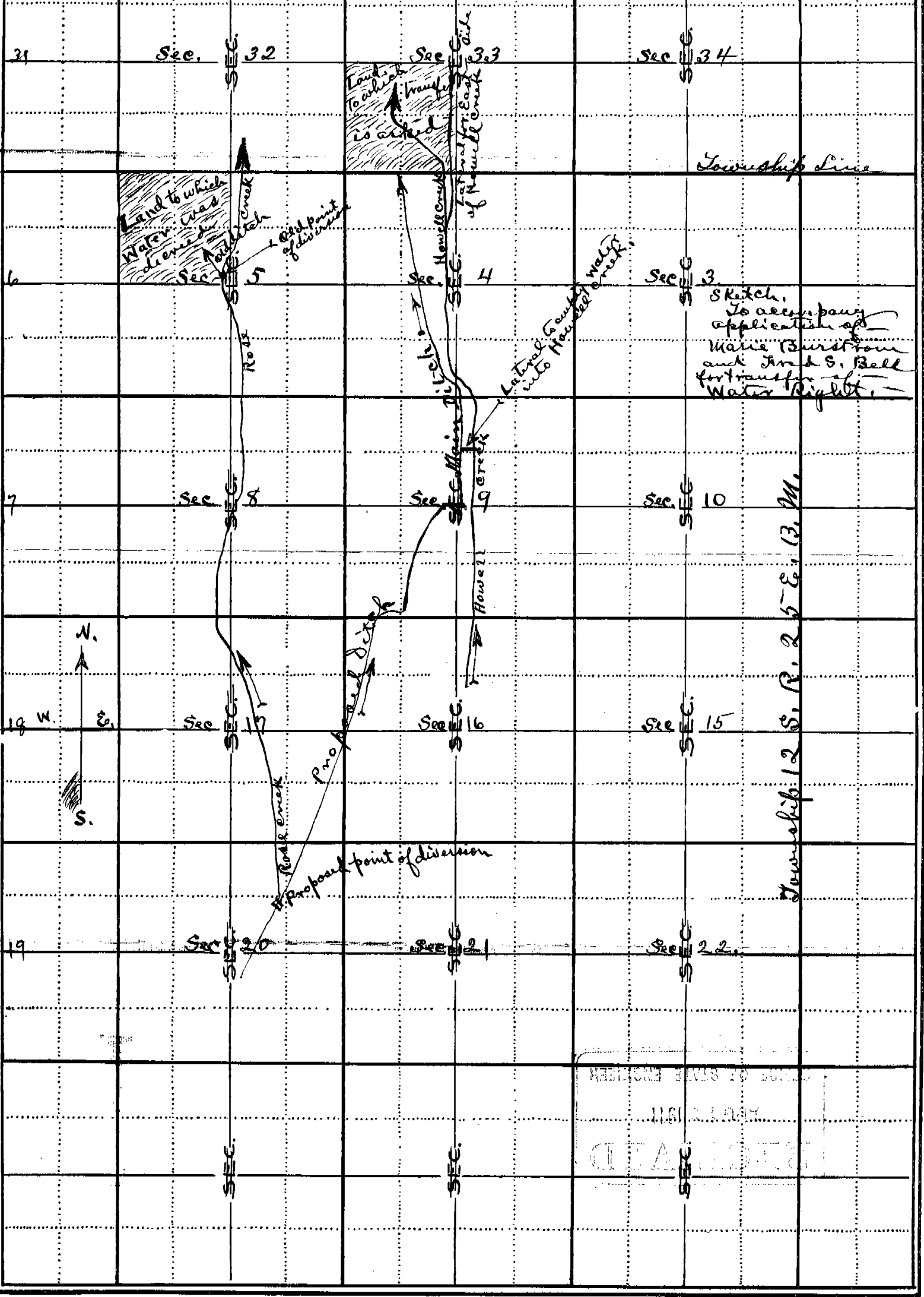
Sec 22

Township 12 S. R. 25 E. B. M.

RECEIVED

RECEIVED
116-3-11
OFFICE OF THE
CLERK OF THE DISTRICT COURT

Township 11 South of R. 25 E. B.M.



Application for Transfer of Water Right.

State of Idaho,

County of Cassia

55.

Mario Burstrom and Fred. S. Bell

being first duly sworn, deposes and says:

That ~~his~~^{their} names are are Marie Burstrom and Jud S. Bell; that ~~they~~^{they are} are of lawful age, ~~a~~ citizens of the United States and of the State of Idaho, and that ~~his~~^{their} postoffice address is _____

Albion, Cassia Co., Idaho.

That they ^{are} the owners and using a certain water right of 30 inches of the waters of Rose Creek

County of Cassia, State of Idaho, decreed to _____

D. I. Stark by decree of Judge C. O. Stockslager of the

Fourth _____ Judicial District of the State of Idaho, in and for the County of _____

Cassia, in the case of R. L. Wood et al., Plaintiffs

vs. Wm. Stokes et al., defendants, said decree bearing date of March 21st. 1892.

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

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

State of Idaho, to wit: South T66, fourth of Section 33, Township 11 South

~~of Range 25 East of the Boise Meridian~~

Lots 3 and 4 and the S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 5, Tp. 12 S. R. 25 E. B.M.

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

by Warranty Deed and Contract

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream at a point on and near the

South east corner of the South east fourth of the North west fourth
of Section 5, Township 12 South of Range 25 East of the Boise Meridian
and conducted to the above described lands through a ditch.

as per map hereto attached and of this affidavit made a part;

That affiants and petitioners desires to abandon the use of 30 inches under a four inch pressure

of said water upon the above described land, and to convey and use same upon the following tract, situated, lying and being in the County of Cassia and State of Idaho, to wit: The South west fourth of Section 33, Township 11 South of Range 25 East of the Boise Meridian

That ~~his~~^{their} reasons for desiring to make such transfer are as follows: The character

of the soil and the situation of the land would enable us to make

a more beneficial use of the water

DELETED

That they intend to divert and convey said 30 inches of water to the tract of land last above described in the following manner, to wit: to divert it at the same on the SW 1/4 NE 1/4 Sec. 20, Tp. 12 S. R. 25 E. B.M. a point and convey it in the same said ditch to a point about one hundred yards west of the legal center of Section 9, Tp. 12 S. R. 25 E. B.M. thence east to a point near the said legal center on the SW 1/4 NE 1/4 of the said Section 9, thence North to a point from one hundred to one hundred and fifty yards North of the Government Quarter corner between sections 4 and 9 said township and range (thence North westerly to the North east corner of Lot 4, Sec. 4, ~~xxx~~ said township and range, a lateral taken out at a point about one fourth mile South of the last said Government Quarter corner running East into Howell Creek thence waters for irrigation East side to be as set forth upon the map hereto attached; and ~~again diverting into a ditch running North westerly about one fourth mile to the land of~~

That no one will be injured by such transfer.

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

Subscribed and sworn to before me this

Marie Burstrom
Fred S. Bell
18th day of August

A. D. 1914

My Comm Expires April 1/915

Jos. J. Knight
Notary Public

State of Idaho,

County of Cassia } ss.

Hyrum E. Davies

and

Stephen Mahoney

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 Albion Idaho that he is a user of water from Rose Creek, County of Cassia,

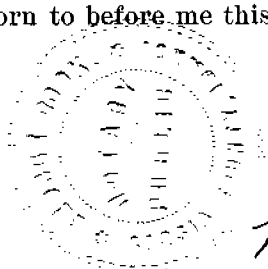
State of Idaho; that he has read or heard read the foregoing affidavit and petition of Marie Burstrom and Fred S. Bell, and is familiar with its allegations, and with the water right and lands

therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this

Hyrum E. Davies
Stephen Mahoney
17th day of August

A. D. 1914



George Cook

Notary Public

My Commission Expires April 18, 1914

State of Idaho.

County of

I,

H. C. Moody

Watermaster of

Marsh Creek District

County of

Casa

State of Idaho,

whose postoffice address is Albion

Idaho, 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 au-

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

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

transfer prayed for) for the following reasons: That Mr Bell, can run

That amount of Water to a better

advantage, on its change of Permit

H. C. Moody

Watermaster.

Wickham Idaho

Jan 11/12

Marie

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

Quinton & Fred S. Bell

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

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

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

hearing before me at Albion Idaho, on Oct 21, 1911, according to

the terms of said notice;

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

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

applicant, authorizing the transfer as prayed for in his petition; ^{that} on (and it appearing at said hearing

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

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

sought hereinabove.

Harriet Mackintosh

Commissioner of Water Division No. 2

By