

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

	Esterholdt, Joseph	0.9		11-0944
619	Esterholdt, George J.	0.45	0.45	11-0944A

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STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT

TRANSFERRED RIGHT NO. 619

THIS IS TO CERTIFY THAT GEORGE J. ESTERHOLDT, of Pegrarn, Idaho, is the owner of and using a certain water right described as .9 cubic foot per second dated, April 15th to July 1st, 1877, and .6 cubic foot per second from July 1st to September 30th, 1877; also 2.7 cubic feet per second dated, April 15th, 1880, and 1.8 cubic feet per second, from July 1st to September 30th, 1880, of the waters of Bear River, as decreed to JOSEPH ESTERHOLDT, by Judge Robert M. Terrell, of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of

PRESTON MONTPELIER IRRIGATION COMPANY vs. DINGLE

IRRIGATION COMPANY ET AL

SAID decree bearing date of March 7, 1924, for the purpose irrigating the following described lands situate, lying and being in Water District No. 5, in the County of Bear Lake, State of Idaho, to-wit:

Beginning at a point on the south line of Section One (1) Township 15 South of Range 45 East of Boise Meridian, 225 feet west of the Southeast corner of Section 1 where the West line of the Oregon Short Line right-of-way intersects Section line, running thence West 1425 feet, thence North 2640 feet; thence East 330 feet; thence South 1225 feet; thence East 1320 feet; thence South 342 feet, more or less to intersection with West boundary line of the O.S.L. railway right-of-way; thence Southwesterly (S. $20^{\circ} 45'$) 646 feet more or less to jog in right-of-way fence; thence Southeasterly at right angles 335 feet to right-of-way; thence Southwesterly along right-of-way fence 304 feet to place of beginning, containing in all sixty acres more or less. Together with all water rights thereunto belonging.

Also commencing at a point sixteen hundred fifty (1650) feet West from the Southeast corner of Section One (1) in Township fifteen (15) South of Range forty-five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet more or less, to the Southwest corner of the Southeast Quarter of Section One; thence North twenty six hundred and forty (2640) feet; thence East 990 feet; thence South 2640 feet to the place of beginning containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said lands.

THAT THE SAID DECREE has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 4 of Decrees, at Page 650.

THAT THE SAID APPLICANT has become the owner of the said water right by the decree of the said Court.

THAT, NOW, UPON THE APPLICATION of the Said GEORGE J. ESTERHOLDT, of Pegrum, Idaho, for a Certificate of 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 .9 second foot of the waters of BEAR RIVER, upon the lands above described is HEREBY ABANDONED and the lands to be irrigated under such right and to which the water right hereby confirmed shall become appurtenant by this Certificate for irrigation and domestic purposes, are described as follows:

Beginning at a point on the Westerly bank of Bear River which lies East 252 feet from the 1/4 corner on the South line of Section 1, Township 15 South Range 45 E.B.M.; thence West on Section line 777 feet; thence Northeasterly 1659 feet; thence East 365 feet to the 1/4 Section line; thence North 981 feet to the center of Section 1, Township 15 South Range 45 E.B.M.; thence East 635 feet to the Westerly bank of Bear River; thence down the Westerly and Northerly bank of Bear River to the point of beginning, containing 60 acres more or less. All of the land being west of Bear River,

situated, lying and being in the County of Bear Lake, State of Idaho, and said water to be limited at any time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amount, to-wit:

0.9 cubic feet per second of the waters of Bear River
with dates of priority of April 15, 1877 and April 15,
1880.

THAT THE WATER RIGHTS HEREBY transferred have been diverted from the Bear River at a point in the SE $\frac{1}{4}$ of Section 31, Township 14 South, Range 46 E.B.M., and conducted to the lands first described through the Nuffer Ditch and will hereafter be diverted in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, Township 14 South, Range 46 E.B.M., and will be conducted through the Miller Ditch to the lands last above described.

THAT THE LANDS to which this water right is being transferred by this Certificate already have appurtenant to them water rights for .3 cubic feet per second, with a priority of April 15, 1877.

THAT THE RIGHT to the use of the water aforesaid, hereby confirmed, is restricted to the lands or places of use specifically set forth in this transfer, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 26th day of March, 1941.

E. V. BERG
Commissioner of Reclamation

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE.

PRESTON-MONTPELIER IRRIGATION
COMPANY, a corporation,

Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a cor-
poration; Grimmett-Black Otter
Irrigation Company, a corporation;
Peg Leg Island Irrigation Company, a
corporation; West Fork Irrigation
Company, a corporation; Ream-Crockett
Irrigation Company, a corporation;
Pugmire Livestock & Land Company, a
corporation; Continental Life Insur-
ance Company, a corporation; Ole
Transtrum; Carry Hill; J.A.C. Nielson;
John A. Jensen; Cron Quayle; Thomas
Quayle; George Parker; Edw. LaRocco;
John O. Miller; Ezra J. Phelps; George
A. Sparks; Hyrum Esterholdt, and Joseph
Esterholdt,

Defendants

D E C R E E

This cause came on regularly for trial on the 4th
day of August, 1923, John A. Bagley, Esquire, and D. C. Kunz,
Esquire, appearing as attorneys for the plaintiff Preston- Montpelier
Irrigation Company, a corporation, and John A. Bagley, Esquire, appearing
as attorney for Cron Quayle, Thomas Quayle, George Parker, Edw. LaRocco,
John O. Miller, Ezra J. Phelps, and George A. Sparks, defendants and cross-
complainants; and D. C. Kunz, Esquire, appearing as attorney for the
Continental Life Insurance Company, a corporation, Ole Transtrum, Carry
Hill, J. A. C. Nielson and John A. Jensen, defendants and cross-complain-
ants; and A. B. Gough, Esquire, appearing as attorney for Dingle Irrigation
Company, a corporation, Peg Leg Island Irrigation Company, a corporation,
Grimmett Black Otter Irrigation Company, a corporation, and the Pugmire
Livestock & Land Company, a corporation, defendants and cross-complainants;
Rosa A. Bates, Esquire, appearing as attorney for the Ream-Crockett Irriga-
tion Company, a corporation, defendants and cross-complainants; and Jesse P.
Rich, Esquire, appearing as attorney for the West Fork Irrigation Company,
a corporation, defendants and cross-complainants and Darwin Haddock, Esquire,
appearing as attorney for Hyrum Esterholdt and Joseph Esterholdt, defendants
and cross-complainants. Whereupon, the respective parties proceeded to
negotiate a settlement and adjustment of the issues raised by the complain-

JOS. H. ESTERHOLDT:

1877- April 15th, that is designated in this decree as a "Meadow Right".

April 15th - July 1st .9 cubic feet per second
July 1st - September 30th, .5 cubic feet per second.

1880- April 15th, that is designated in this decree as a "Meadow Right".

April 15th - July 1st 2.7 cubic feet per second.
July 1st - September 30th, 1.3 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller ditch, the point of diversion of which is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 45 East of the Boise Meridian; and water for 105 acres of the following described land being diverted from Bear River by means of the Huffer Ditch at or near a point where the South line of the Southeast quarter of Section 31, Township 14 South, Range 45 East of the Boise Meridian intersects Bear River; said water to be used on a total of 120 acres of land, described as follows, to-wit:

Beginning at a point on the South line of Section one (1) Township fifteen (15) South of Range forty-five (45) East of Boise Meridian, 225 feet West of the Southeast corner of Section one (1) where the West line of Oregon Short Line right-of-way intersects section line, running thence West 1425 feet; thence North 2640 feet; Thence East 330 feet; Thence South 1225 feet; Thence East 1320 feet; Thence South 342 feet, more or less to intersection with West boundary line of the O. S. L. Railway right-of-way; thence Southwesterly (S. 20 degrees 45') 545 feet, more or less, to jog in right-of-way fence; thence Southwesterly at right angles 335 feet to right-of-way; thence Southwesterly along right-of-way fence 304 feet to place of beginning, containing in all sixty acres more or less.

Together with all water rights thereunto belonging.

Also, commencing at a point sixteen hundred and fifty (1650) feet West from the Southeast corner of Section one (1), in Township fifteen (15) South of Range forty-five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet, more or less, to the Southwest corner of the Southeast quarter of said Section one; thence North twenty-six hundred and forty (2640) feet; thence East nine hundred and ninety (990) feet; thence South twenty-six hundred and forty (2640) feet to the place of beginning and containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said land.

ELZA J. PHELPS:

1877- April 15th, that is designated in this decree as a "Meadow Right".

April 15th - July 1st, 4.6 cubic feet per second.
July 1st - September 30th, 3.2 cubic feet per second.

1885- April 15th, that is designated in this decree as an "Agricultural Right". 2 cubic feet per second.

All of said water to be diverted from Bear River, at a point described as follows:

and to be used on 260 acres of land, described as follows, to-wit:

The NE¹/₄, SE¹/₄ and SW¹/₄ of Section 23, T. 14 S. R. 45 East Boise Meridian.

And that part of NE¹/₄ and NE¹/₄SW¹/₄ of Section 23, that lies North and East of the Old West channel of Bear River.

And that part NE¹/₄SE¹/₄, SW¹/₄NE¹/₄, Sec. 24, NE¹/₄NE¹/₄, Sec. 23, and SE¹/₄SE¹/₄ Sec. 14, T. 13 S. R. 45 E. B. M. which lies West of the Phelps Canal and below said canal.

Containing in all 260 acres and all being in Bear Lake County, State of Idaho.

RECEIVED

MAR 21 1941

Department of Reclamation

Pegram Idaho
March 18/1941

Mr E. V. Berg

Dear Mr Berg-
you will find inclosed
the two afodouids of each
Conall, as they understand
the situation of the land &
water also the Miller ditch
will pack 3 times it is decreed
for a. apul ground it waters
the Conall is recorded for -
3 feet deep & twelve ^{ft} wide for about
4 80' rows of apuley aregated
I am sending you all of the
Papers - Yours Respect
Geoff Esterholdt

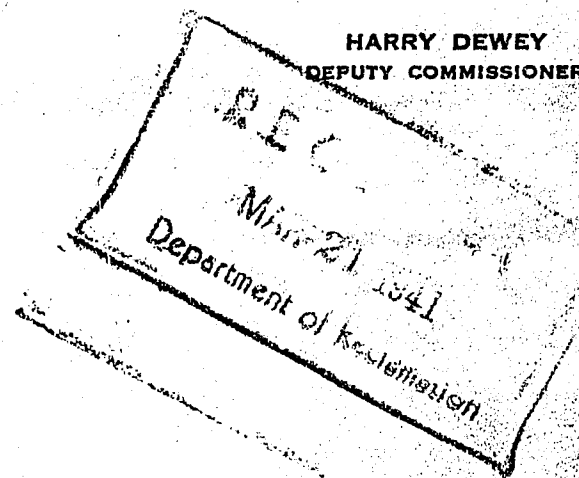


C. A. BOTTOLFSSEN, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
JAMES SPOFFORD, COMMISSIONER

BOISE

December 4, 1940.



Mr. George J. Esterholdt,
Pegram, Idaho.

Dear Mr. Esterholdt:

We are in receipt of your letter of December 2, in which you enclosed Notices of Taxes Due-1940.

We have examined the Tax Notices and find that the lands described on them is as follows:

Frac. West Half of the Southeast Quarter T-2552 of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres.

Also;

Southeast Quarter of the Southwest Quarter, and the South Half of the Northeast Quarter of the Southwest Quarter of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres.

(We have also examined the decree, and find that the lands described under the Water Right of Joseph Esterholdt are in part as the above described lands, that is Frac. West half of the Southeast Quarter of Section 1, Township 15 South, Range 45 East Boise Meridian, containing 60 acres, but do not include the Southeast Quarter of the Southwest Quarter and the South Half of the Northeast Quarter of the Southwest quarter, containing 60 acres, of Section 1, of the above Township and Range. The other 60 acres described in the decree are East of the first mentioned 60 acres, but the Tax Notice describes a 60 acre tract West off the first mentioned 60 acres, not covered by the Joseph Esterholdt Water Right. It is therefore evident that a change in point of diversion is not necessary, AS THERE IS NO RECORD OF A TRANSFER OF WATER RIGHT FOR THESE LANDS.)

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By O.D. BECKER

cc: Baird, E.J.
W. Smith Hoge.

Supervisor of Water Distribution



C. A. BOTTOLFSSEN, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
JAMES SPOFFORD, COMMISSIONER
BOISE

HARRY DEWEY
DEPUTY COMMISSIONER

December 17, 1940.

Mr. George J. Esterholdt,
Pegram, Idaho.

Dear Mr. Esterholdt:

We are in receipt of your letter dated December 17,
in regard to your water right.

In looking over our letter to you dated December 4,
we note that we wrote you that the portion of lands described
as the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 15 South,
Range 45 East Boise Meridian, as described by your Tax notice
was not shown under the Joseph Esterholdt decree. In studying
the decree, we notice that the above described lands are shown
under the Hyrum Esterholdt decree, that is the above described
lands constitute a portion of the Hyrum Esterholdt lands. The
water right for the Hyrum Esterholdt decree are described as
follows:

1877 - April 15th. what is designated in this decree
as a "Meadow Right". -April 15th. - July 1st. 1.2 Cubic ft per
second.

July 1st.-Sept. 30th .8 cubic ft. per se-
cond.

1880-April 15th. what is designated in this decree as
a "Meadow Right". April 15th. -July 1st. 3.68 cubic ft. per second.
July 1st -Sept 30th. 2.45 cubic feet per second.

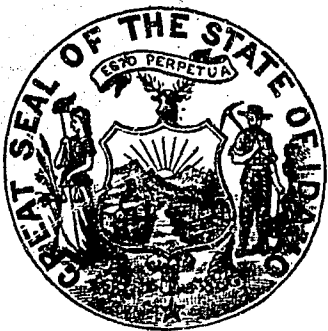
1885-April 15th. What is designated in this decree as
an "Agricultural Right". .4 cubic feet per second.

All of said waters to be used on 183 acres, and to be
diverted from the Miller Ditch. The lands above described are a
portion of the 183 acres.

(In view of the above it therefor appears that you now
own a portion of the Hyrum Esterholdt lands and since we find
no transfer of a water right from such lands, you no doubt also
own a water right for such lands, and as this water is to be
diverted into the Miller Ditch, everything seems to be in order.
We trust that you will find it so.)

Very truly yours,
JAMES SPOFFORD
Commissioner of Reclamation

O. D. Becker
By O. D. BECKER
Supervisor of Water Distribution



C. A. BOTTOLFSSEN, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
JAMES SPOFFORD, COMMISSIONER
BOISE

HARRY DEWEY
DEPUTY COMMISSIONER

December 2, 1940.

Mr. W. Smith Hoge, Manager,
Bear Lake County Abstract Co.,
Paris, Idaho.

Dear Mr. Hoge:

We are in receipt of your letter of November 14, in regard to Affidavit for change of point of diversion of the Water Right of George J. Esterholdt of Pegram, Idaho.

With the letter we also received in duplicate Affidavits for Change of Point of Diversion of Decreed Water Right with sketch maps, also Consent to transfer Water Rights from the Nuffer ditch to the Miller ditch.

(Since receipt of the above mentioned, we have written to Mr. E.J. Baird, Watermaster of Bear River, at Soda Springs, who has made an examination or inspection of the lands and ditches in question, and Mr. Baird states as follows: "From a casual inspection of the lands in question, and from inquiries of several old residents there who know the lands well, it appears that the division of the lands as set forth in the decree was about right, that is, 15 acres to be watered from the Miller Ditch and 105 acres from the Nuffer Ditch." Mr. Baird states further that at the present time one Virgil Miller owns the easterly parcel of land which is divided as shown by your sketch into two 60 acre tracts (that is, all of the land in question is divided as above stated) and Mr. Esterholdt owning the westerly 60 acres. Mr. Baird states further that the sketch map is in error in showing that the river divides the easterly parcel of land, and that it actually swings farther West dividing the westerly parcel of land. In view of the conflicting statement and sketch map, we must ask for a map made from an actual survey by a competent engineer, of the lands in question showing the course of the river and the acreage on each side of the river. It also appears then that Mr. Esterholdt is attempting to change the point of diversion of a portion of water right that he no longer owns, and we feel that this can only be done by the owner of the water right. In fact if conditions exist as stated by Mr. Baird, there would be no necessity for a change of point of diversion, and we are therefor returning the two Affidavits with maps, and also the consent of the users of the Miller and Nuffer ditches, so that they might be corrected to conform with actual conditions.)

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

CC: Baird
Esterholdt.

By *O.D. Becker*
O.D. BECKER
Supervisor of Water Distribution

December 4, 1940.

Mr. George J. Esterholdt,
Pegram, Idaho.

Dear Mr. Esterholdt:

We are in receipt of your letter of December 2,
in which you enclosed Notices of Taxes Due-1940.

We have examined the Tax Notices and find that
the lands described on them is as follows:

Frac. West Half of the Southeast Quarter T-2552
of Section 1, Township 15 South, Range 45 East Boise Mer-
idian, containing 60 acres.

Also;

Southeast Quarter of the Southwest Quarter, and
the South Half of the Northeast Quarter of the Southwest
Quarter of Section 1, Township 15 South, Range 45 East Boise
Meridian, containing 60 acres.

We have also examined the decree, and find that
the lands described under the Water Right of Joseph Ester-
holdt are in part as the above described lands, that is
Frac. West half of the Southeast Quarter of Section 1, Town-
ship 15 South, Range 45 East Boise Meridian, containing 60
acres, but do not include the Southeast Quarter of the South-
west Quarter and the South Half of the Northeast Quarter of
the Southwest quarter, containing 60 acres, of Section 1, of
the above Township and Range. The other 60 acres described in
the decree are East of the first mentioned 60 acres, but the
Tax Notice describes a 60 acre tract West of the first men-
tioned 60 acres, not covered by the Joseph Esterholdt Water
Right. It is therefore evident that a change in point of
diversion is not necessary, AS THERE IS NO RECORD OF A TRANSFER
OF WATER RIGHT FOR THESE LANDS.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

J. A. Becker

By O.D. BECKER

cc: Baird, E.J.

W. Smith Hoge.

Supervisor of Water Distribution

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,

County of BEAR LAKE

ss.

GEORGE J. ESTERHOLDT, being first duly sworn, deposes and says: That his postoffice address is PEGRAM, IDAHO; That he is the owner of and using a certain water right, bearing date of priority of 1877 and 1880, 19 , for 3.30 cubic feet per second of the waters of Bear River, County of Bear Lake, State of Idaho, decreed to JOSEPH ESTERHOLDT by decree of Judge Robert M. Terrell, of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of Praston-Montpelier Irrigation Company vs Dingle Irrg. Co. a corp. et al., said decree bearing date of March 7, 1924, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. , in the County of Bear Lake, and State of Idaho,

JOS. ESTERHOLDT

1877-April 15th What is designated in this decree as a "Meadow Right":

That he is the person who April 15th - July 1st 2.9 cubic feet per second.
come the owner of the July 1st - Sept. 30th .6 cubic feet per second.

1880-April 15th What is designated in this decree as a "Meadow Right":

April 15th - July 1st 2.7 Cubic feet per second.
July 1st - Sept. 30th 1.8 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 46 East of the Boise Meridian; and water for 105 acres of the following described land being diverted from Bear River by means of the Muffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31 Township 14 South, Range 46 East of Boise Meridian intersects Bear River; said water to be used on a total of 120 acres of land described as follows:

Beginning at a point on the south line of Section One (1) Township 15 South of Range 45 East of Boise Meridian, 225 feet west of the Southeast corner of Section 1 where the West line of the Oregon & Idaho Railway intersects Section line, running thence West 170 feet; thence North 200 feet; thence East 330 feet; thence South 300 feet; thence South 342 feet, more or less to intersection of the West boundary line of the O. S. L. railway right-of-way; thence Southwesterly (S. 20° 45') 646 feet more or less to jog in right-of-way fence; thence Southeasterly at right angles 335 feet to right-of-way; thence Southwesterly along right of way fence 304 feet to place of beginning, containing in all sixty acres more or less. Together with all water rights thereunto belonging.

Also commencing at a point sixteen hundred fifty (1650) feet West from the Southeast corner of Section One (1) in Township fifteen (15) South of Range forty-five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet more or less, to the Southwest corner of the Southeast Quarter of Section One; thence North twenty six hundred and forty (2640) feet; thence East 990 feet; thence South 2640 feet to the place of beginning containing sixty acres of land, more or less, together with all water rights thereunto belonging and water and ditches used in the irrigation of said lands."

Bear Lake County Abstract Company
PARIS, IDAHO

PLAT OF LAND BELONGING TO *Joseph ESTERHOLD T.*
SCALE: 1 inch = *20* chains

Abstract No.

TWP. 14 S. R. 45 E. B. M.

Sheet No.

*Point of diversion of Miller Ditch
is about 150 yards East of
NE Corner of Sec. 31 - T. 14 S. R.
46 E. B. M.*

*MILLER DITCH IS ON
West side of Bear River.*

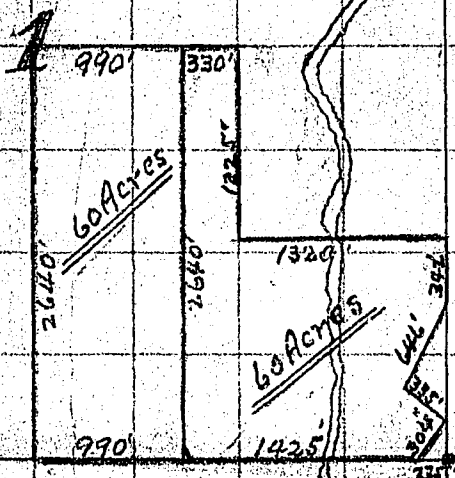
36

31

*Point of diversion of
Nuffer Ditch at or
near a point where South
line of SE 1/4 of Sec. 31,
T. 14 S. R. 46 E. B. M. intersects
Bear River*

TWP. 15 S. R. 45 E. B. M.

T. 15 - 46 E. B. M.



*Nuffer Ditch is on
East side of River*

Miller Ditch

CONSENT TO TRANSFER OF WATER.

We the undersigned, owners and users of water from, the Zupder-Miller Ditch, out of Bear River, in Bear Lake County, Idaho, hereby consent to transfer of water decreed to Joseph Esterholdt, also known and George J. Esterholdt, from the Neupher Ditch out of said Bear River, into our said Zupder-Miller Ditch, due to the fact that his land is located on the West side of Bear River and can only be irrigated from our Ditch, and the Neupher Ditch is located on the East side of said River.

Dated June 3rd 1940.

WITNESSES;

OWNERS:

Elinor H. ...
Mrs. Chasie Sparks
Chasie Rigby

Henry Esterholdt & Sons
W. B. Lloyd
Ivan R. Rigby

Neupher Ditch

CONSENT TO TRANSFER WATER.

We the undersigned, owners and users of water from the ^{Nuffer}~~Neupher~~ Ditch, out of Bear River, hereby consent to transfer of water as decreed to Joseph Esterholdt, also known as George J. Esterholdt, from the said Ditch to the Miller Ditch on the West side of Bear River, said ditch is also known as the "ZUPDER-MILLER DITCH", said change being consented to, due to the fact that the Neupher Ditch is on EAST side of Bear River and the Zupder-Miller Ditch is on WEST side of said river, and the land belonging to said George J. Esterholdt, is also on the west side of said river and irrigated from the Zupder-Miller Ditch.

Dated this 3rd day of June, 1940.

WITNESSES:

R. E. [unclear]
[unclear]
[unclear]

OWNERS:

Joseph Esterholdt
George J. Esterholdt
[unclear]
[unclear]
[unclear]
[unclear]
[unclear]
[unclear]

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,

County of BEAR LAKE } ss.

GEORGE J. ESTERHOLDT, being first duly sworn, deposes and says: That his postoffice address is PEGRAM, IDAHO; That he is the owner of and using a certain water right, bearing date of priority of 1877 and 1880, 19 , for 3.30 cubic feet per second of the waters of Bear River, County of Bear Lake, State of Idaho, decreed to JOSEPH ESTERHOLDT, by decree of Judge Robert M. Terrell, of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of Preston-Montpelier Irrigation Company vs Dingle Irrg. Co. a corp. et al, said decree bearing date of March 7, 1924, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. , in the County of Bear Lake, and State of Idaho,

G-wit

JOSEPH ESTERHOLDT

1877-April 15th- What is designated in this decree as a "Meadow Right":
April 15th-- July 1st .9 cubic feet per second.
July 1st-Sept. 30th .6 cubic feet per second.

1880-April 15th, What is designated in this decree as a "Meadow Right."
April 15th-July 1st 2.7 Cubic feet per second.
July 1st-Sept. 30th 1.8 cubic feet per second.

All of said waters to be diverted from Bear River, water for 15 acres of the following described land being diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards east from the Northeast corner of Section 31, Township 14 South, Range 46 East of the Boise Meridian; and water for 105 acres of the following described land being diverted from Bear River by means of the Nuffer Ditch at or near a point where the South line of the Southeast Quarter of Section 31 Township 14 South, Range 46 East of Boise Meridian intersects Bear River; said water to be used on a total of 120 acres of land described as follows:

Beginning at a point on the south line of Section One (1) Township 15 South of Range 45 East of Boise Meridian, 225 feet west of the Southeast corner of Section 1 where the West line of the Oregon Short Line right-of-way intersects Section line, running thence West 1425 feet, thence North 2640 feet; thence East 330 feet; thence South 1225 feet; thence East 1320 feet; thence South 342 feet, more or less to intersection with West boundary line of the O. S. L. railway right-of-way; thence Southwesterly (S. 20° 45') 646 feet more or less to jog in right-of-way fence; thence Southeasterly at right angles 335 feet to right-of-way; thence Southwesterly along right of way fence 304 feet to place of beginning, containing in all sixty acres more or less. Together with all water rights thereunto belonging.

Also commencing at a point sixteen hundred fifty (1650) feet West from the Southeast corner of Section One (1) in Township fifteen (15) South of Range forty-five (45) East of the Boise Meridian and running thence West nine hundred and ninety (990) feet more or less, to the Southwest corner of the Southeast Quarter of Section One: thence North twenty six hundred and forty (2640) feet; thence East 990 feet; thence South 2640 feet to the place of beginning containing sixty acres of land, together with all water rights thereunto belonging and

Bear Lake County Abstract Company
PARIS, IDAHO

PLAT OF LAND BELONGING TO Joseph Esterholdt
SCALE: 1 inch = 20 chains

Abstract No.

TWP. 14 S. R. 45 E. B. M.

Sheet No.

Point of diversion of Miller Ditch
is about 150 yards East of
NE Corner of Sec 31, T. 14 S. R.
46 E. B. M.

MILLER Ditch is on
West side of Bear River

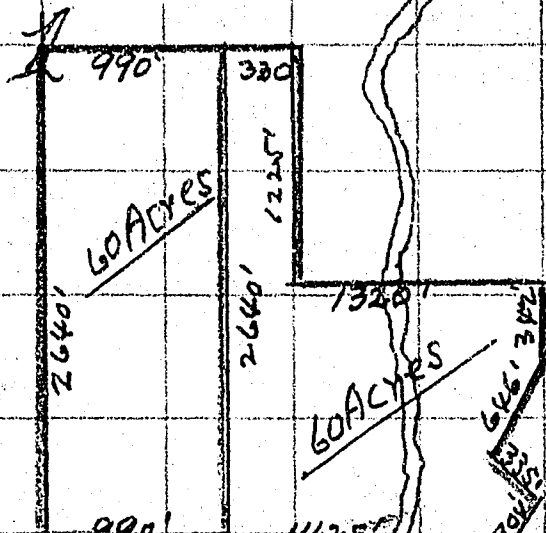
36

31

Point of diversion of
Nuffer Ditch at or
near a point where South
line of SE 1/4 of Sec. 31,
T. 14 S. R. 46 E. B. M. inter-
sects Bear River.

TWP. 15 S. R. 45 E. B. M.

T. 15 S. R. 46 E. B. M.



Nuffer Ditch is on
East side of River

CONSENT TO TRANSFER OF WATER.

We the undersigned, owners and users of water from, the Zupder-Miller Ditch, out of Bear River, in Bear Lake County, Idaho, hereby consent to transfer of water decreed to Joseph Esterholdt, also known and George J. Esterholdt, from the Neupher Ditch out of said Bear River, into our said Zupder-Miller Ditch, due to the fact that his land is located on the West side of Bear River and can only be irrigated from our Ditch, and the Neupher Ditch is located on the East side of said River.

Dated June 3rd 1940.

WITNESSES;

OWNERS:

W. L. L. L.

Clare R. R.

Chloe Esterholdt

W. L. L. L.

Frank R. R.

Hyrum Esterholdt

CONSENT TO TRANSFER WATER.

We the undersigned, owners and users of water from the ^{Nuffer} Neupher Ditch, out of Bear River, hereby consent to transfer of water as decreed to Joseph Esterholdt, also known as George J. Esterholdt, from the said Ditch to the Miller Ditch on the West side of Bear River, said ditch is also known as the "ZUPDER-MILLER DITCH", said change being consented to, due to the fact that the Neupher Ditch is on EAST side of Bear River and the Zupder-Miller Ditch is on WEST side of said river, and the land belonging to said George J. Esterholdt, is also on the west side of said river and irrigated from the Zupder-Miller Ditch.

Dated this 3rd day of June, 1940.

WITNESSES:

OWNERS:

[Handwritten signatures of witnesses]

[Handwritten signatures of owners]

1940 NOTICE OF TAXES DUE—1940 N° 210

BEAR LAKE COUNTY, IDAHO

Page 335 PARIS, IDAHO, 19

RECEIVED OF Richard Sleight
c/o Joseph Esterholdt

Whose postoffice address is Pegran, Idaho

the full amount of all State, County, City, Village, School, Road and other taxes for the year 1940, due upon the following described property as shown by the Assessment Roll of said County for said year, to-wit:

Deputy. Tax Collector.

PERSONAL CHECKS ACCEPTED SUBJECT TO BANK CLEARANCE
ALL REAL PROPERTY DESCRIBED IS IN SOUTH RANGE, EAST OF BOISE MERIDIAN

Subdivision Addition	Sec.	Twp.	Range Lot	Acres Block	Value	Val. Imp.	Total Val.
<u>70/97/151</u> Twp. W2 SE T-2552 1	1	15	45	60	330		330
<u>Miller Ditch West side of river</u>							

1940 NOTICE OF TAXES DUE—1940 N° 08

BEAR LAKE COUNTY, IDAHO

Page 335 PARIS, IDAHO, 19

RECEIVED OF N. C. Esterholdt
c/o Joseph Esterholdt

Whose postoffice address is Pegran, Idaho

the full amount of all State, County, City, Village, School, Road and other taxes for the year 1940, due upon the following described property as shown by the Assessment Roll of said County for said year, to-wit:

Deputy. Tax Collector.

PERSONAL CHECKS ACCEPTED SUBJECT TO BANK CLEARANCE
ALL REAL PROPERTY DESCRIBED IS IN SOUTH RANGE, EAST OF BOISE MERIDIAN

Subdivision Addition	Sec.	Twp.	Range Lot	Acres Block	Value	Val. Imp.	Total Val.
<u>SE SW</u>	<u>1</u>	<u>15</u>	<u>45</u>	<u>40</u>	<u>125</u>	<u>50</u>	
<u>SE NE SW</u>	<u>1</u>	<u>15</u>	<u>45</u>	<u>20</u>	<u>45</u>		<u>220</u>
<u>Miller Ditch west side of river</u>							

March 5, 1941

Mr. George Joseph Esterholdt
Pegram, Idaho

Dear Mr. Esterholdt:

I received your recent letter along with a map containing the surveyor's affidavit.

You mentioned something in your letter about Indian rights. It is impossible for us to trace this Indian right.

I looked up the decree and found that you have a decree, dated 1877 in which the 105 inches were decreed in the Nuffer Ditch and 15 in the Miller Ditch. It as much as there appears to be a total of 120 inches decreed to you, it would seem that it is only a matter of getting a transfer of 45 inches of water from the Nuffer Ditch into the Miller Ditch, making a total of 60 inches in each ditch.

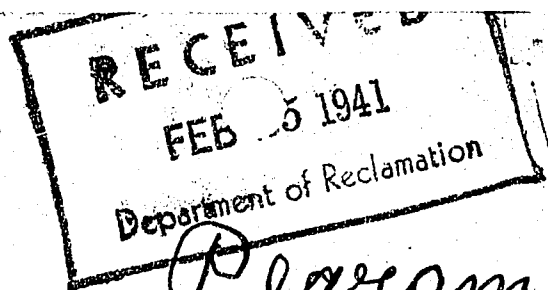
If you have a statement of all the owners in the Miller Ditch, agreeing to this transfer of 45 inches, I believe this is all that would be necessary.

You state in your letter that you have these affidavits and if you will send them to this office, I think we would agree to give you the transfer. This means, however, that you must have the names of all the owners in connection with the Miller Ditch. Further, you must show that the Miller Ditch is of sufficient size to carry your additional 45 inches of water added to the water the ditch already is entitled to carry.

Very truly yours,

E. V. BERG
Commissioner of Reclamation

EVB:dbj



Pegram Idaho
Feb 24 1941

Mr E. V. Burg.

Dear Mr. Burg:

after a long wait on the survey
& sickness I have got the complete
maps. The two places has no
water decree. you will note there is
62 acres all west of the river
I am sending you the tax notices
of 1940. I can give you receipts back
to 1919 when it was surveyed &
purched. I am sending you
the maps of mine tenures & you
I would like to ask a few
questions in regards to rights
I do not understand why
they jugled my water over

in the Nuffer ditch I also have the aqueducts in Paris Idaho to transfer the water from one to the other all run up by both ditches Mc Smith Hedger has them & he will send them to you on request from Paris Idaho - The question is where is the water to be divided to me - how much agriculture right I am right on the end of the ditch My rights if the Law will give it to me is a Indian right recorded in Washington in 1873 by the name of Z-yuf-dere Are Company a man come out hear from Washington & Put me on the Natural Oregon Channel house & all complete know is his

rights very good I note the
 two states Idaho & Wyoming
 are trying to Prune their
 Priority rights I do not know
 what rights the Courts has
 ruled. The man that come out
 from Washington told me I
 had a right that Coldent fe
 felt he also showed me by
 map the Miller ditch & the Indian
 Natural irrigation Channel also later
 hooked up to the Miller ditch he
 had written several letters to the
 Zupfder. Are Co but had received
 no answer. You will also note
 The Miller decree - Calling for 21
 feet of water again 168.000
 of aruley irrigated ground the
 facts it is hard for me to get
 my amount of water when.

Water is Plenty you will note
my map of the indian natural
irrigation is the red lines also
his house & also the whitewash
house before the rail road went
thru. But Mr Berg all
I want is what is right & low
what ever the Courts has ruled
is O.K with me only I want
my right amount of water & land
under Oregon I have
irrigated this land my Perrenel
self since 1912 - Your most
Respect

George Joseph Esterholt

P.S. the 14.5⁰⁰ acres on the Estride of
the river cannot be irrigated at no Price
& never has had a ditch on it G.J.E.

Pegram, Idaho
February 24, 1941.

Mr. E. V. Berg

Dear Mr. Berg:

After a long wait on the surveyor and sickness, I have the complete maps. The two places have no water decree. You will note that there is 62 acres --all west of the river.

I'm inclosing the tax notices for 1940, can also furnish receipts back to 1919 when it was surveyed and purchased. I'm sending you the maps of my surveyor and yours. I would like to ask a few questions in regards to rights. I do not understand why they juggled my water over into the Nuffer ditch. I also have the affidavits in Paris, Idaho, to transfer the water from one to the other, all signed up by both ditches. Mr. Smith Hodge has them and he will send them to you on request from Paris, Idaho. The question is--where is the water to be divided to me. How much agriculture right? I am right on the end of the ditch. My rights if the law will give it to me is an Indian right, recorded in Washington in 1873 by the name of Zyufder ^(Zy) Are Company. A man came out here from Washington and put me on the natural irrigation channel and all complete. Now, is this right any good? I note the two states-Idaho and Wyoming-are trying to prove their priority rights. I do not know what rights the courts have ruled. The man that came out from Washington told me I had a right that couldn't be defeated. He also showed me by the map that the Miller ditch and the Indian Natural Irrigation channel. Also later hooked up to the Miller ditch. He has written several letters to the Zydfder ^(Zy) Are Co., but has received no answer. You will also note that the Miller decree--calling for 21 feet of water against 158 acres of actually irrigated ground. The fact is, it is hard for me to get my amount of water. When water is plentiful, you will note my map of the Indian Natural (Aregation) Irrigation is the red line also his house and the Whitmore house before the railroad went through. But Mr. Berg, all I want is what is right ~~###~~ by law. Whatever the courts have ruled is OK with me. Only I want my right amount of water and land actually under irrigation. I have irrigated this land, my personal self, since 1917.

Yours most respectfully,

George Joseph Esterholdt.

P. S. The 14.500 acres on the east side of the river cannot be irrigated at any price and never has had a ditch on it.

Your guess is as good as mine
m.

North

MUFEE R Canal.

Gravel Road

R Road

South

VERGIL
MILLER
6000

Deer River

Deer River

ditch

cypress

ditch

R. Mays
gravel 6000
T 25 S 2 1 N 3 4 5 6 600

white means home

ditch

INDIAN

HOME

SE SW 1. 15-45 30

WESTERHOLDT 6000

WESTERHOLDT 6000

West of river

Water right recorded
in Washington 1873
Gulcher Oregon
Gulcher Co.

NORTH

center of
Sec. 1-
T. 15 S.
R. 45 E. 1.

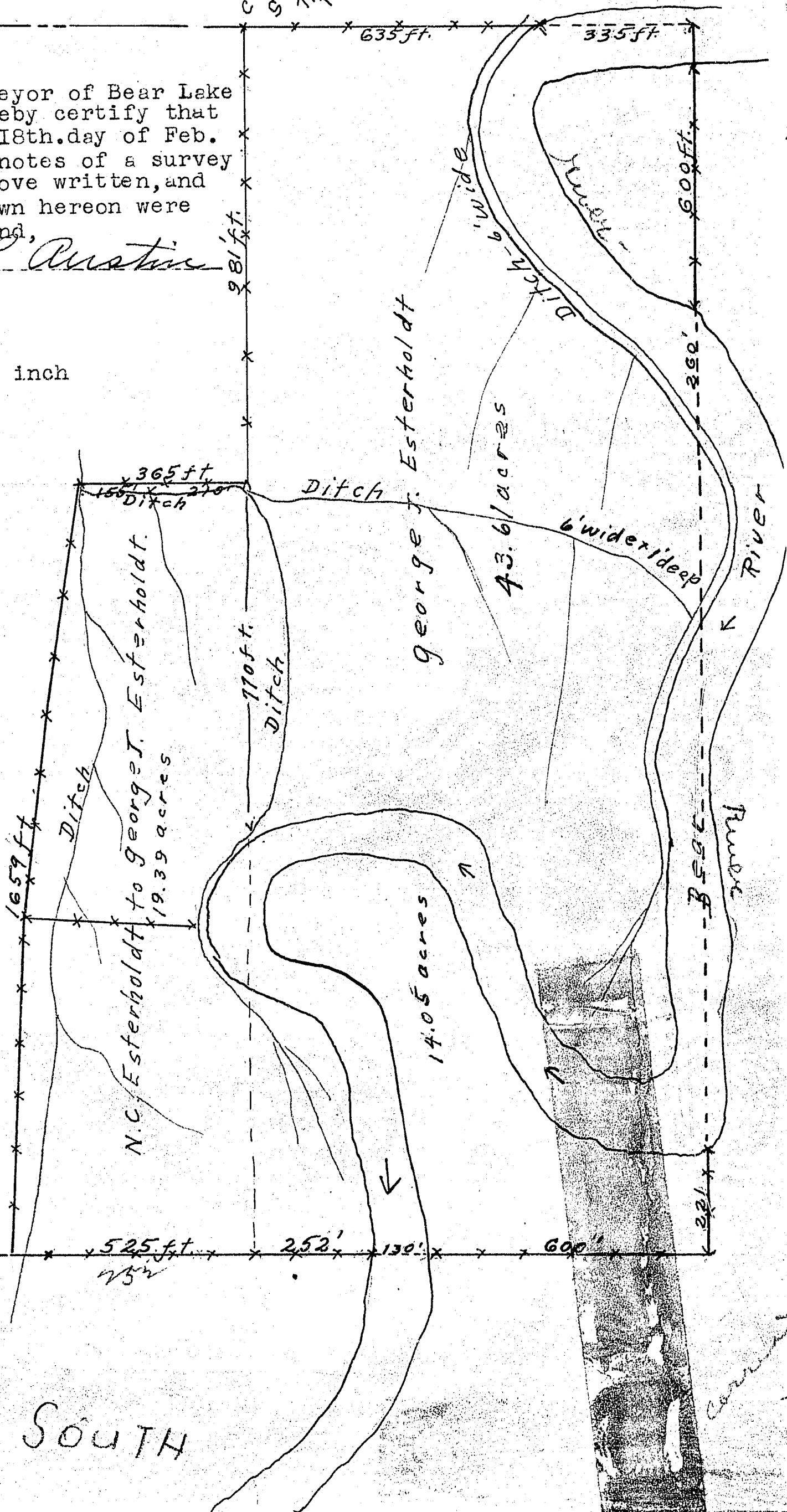
Affidavit

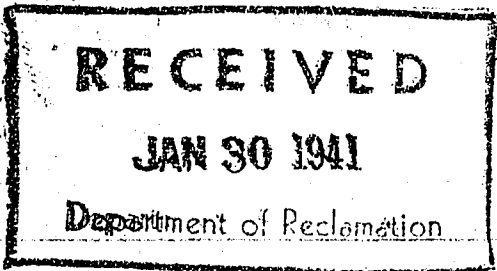
I, T. L. Austin, County Surveyor of Bear Lake County, State of Idaho, hereby certify that this map made by me, this 18th day of Feb. 1941 was made from field notes of a survey made by me on the date above written, and that all measurements shown hereon were actually made on the ground.

Signed by T. L. Austin

Scale 300 feet to the inch

WEST





Pegram Idaho
Jan 28/1941

Mr E. A. Berg.

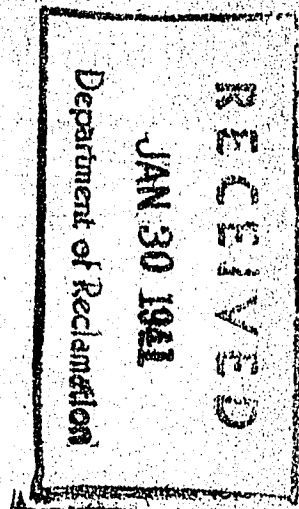
Dear Mr Berg -

Received your letter of Jan 20
Will have the County Surveyor
Mr T. L. Austin Survey my
Land all west of the river all
that is axley aragoted under
The Miller Ditch. Also will
Compleat maps & ditches. Come of
river on your small map with
Survey. As Mr Austin
Is aiaful he is busy for the
folowing week. Mr W. W.
Pegram Surveyed it in 1919 but
is not a County Surveyor any
more. he has the field maps &
all the Cont see how the decree

Cold Call for the Huffer Ditch
But I will have Mr Curtin
Survey it as soon as he is done
With some County work. I
meet them at the big water
meeting between our state & our
neighboring state to discuss water
rights Will send ever thing
Complete soon as Parifil as I
would like to get it corrected by
negotiating time Yours Most
Respect

Geo J Esterholdt
Pegram
Idaho

Pegram, Idaho
January 28, 1941.



Mr. E.V. Berg

Dear Mr. Berg:

Received your letter of January 20th. Will have the county surveyor, Mr. T. L. Austin, survey my land all west of the river, all that is actually irrigated under the Miller ditch. Also will complete maps and ditches, & course of the river, on your small maps with survey soon as Mr. Austin is available. He is busy for the following week. Mr. M. M. Ream surveyed it in 1919, but is not a county surveyor any more. He has the field maps and all, and he can't see how the decree could call for the Nuffer ditch. But I will have Mr. Austin survey it, as soon as he is done with some county work. I met them at the big water meeting between our state and our neighboring state to discuss the water rights. Will send every thing complete as soon as possible, as I would like to get it corrected by irrigating time.

Yours most respectfully,

Geo. J. ~~#####~~ Esterholdt.
Pegram, Idaho.

*See Book 6-298
H # 619*

March 26, 1941

Mr. George J. Esterholdt
Pegram, Idaho

Dear Mr. Esterholdt:

We received your petition asking for a change in point of diversion for your waters on the west side of Bear River along with all papers pertaining thereto.

I have examined them and they appear to be correct and have, therefore, issued this Certificate of water right, transferring 45 inches or .9 of a second foot from the Nuffer Ditch to the Miller Ditch. The .9 plus the .3 cubic foot already in the Miller Ditch will make a legal right of 1.2 or 60 miners inches in the Miller Ditch and leaving the balance of 60 inches in the Nuffer Ditch.

I hope this will be satisfactory to you and that the matter of this transfer is now closed.

Very truly yours,

E. V. BERG
Commissioner of Reclamation

EVB:abj
Encl.

WS #5

619

May 9, 1941.

Re: Transfer 619.

Mr. E. J. Baird
Watermaster Dist. No. 5
Soda Springs, Idaho

Dear Mr. Baird:

Geo. J. Esterholt.

We received a letter from Mr. Geo. J. Esterholt regarding his transfer from the Nuffer Ditch to the Miller Ditch. Transfer No. 619 shows that 45" or .9 c.f.s. were transferred from the Nuffer Ditch to the Miller Ditch in addition to the 15 " or .3 c. f. s. that was previously in the Miller Ditch thus making Mr. Esterholdt entitled to 60" or 1.2 c. f. s. in the Miller Ditch.

You will be governed by transfer No. 619 and turn 60" or 1.6 c.f.s. through the Miller Ditch to Mr. Esterholt.

Enclosed you will find certificate of appointment for deputy watermaster which you verbally requested Mr. Berg to send you.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation

BY: R. E. POWELL
State Water Supervisor.

REP:ml.

May 9, 1941

Re: Transfer No. 619

Mr. Geo. J. Esterholt
Pegram, Idaho

Dear Mr. Esterholt:

We are issuing instructions, today, to Mr. E. J. Baird, watermaster of Dist. #5, to turn a total of 60" through the Miller Ditch. We notified him of the transfer of 45" from the Nuffer Ditch to the Miller Ditch.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

BY: R. E. POWELL
State Water Supervisor.

REP:ml.

WV #5

RECEIVED
MAY 6 1941
Department of Reclamation

Pegram Idaho
May 2 1941

Mr E V Berg

Dear Mr Berg.
received the decree & thanks
a lot would you pls
notie fix the water
matter we feared
at Soda Springs to turn
my water in the Miller
ditch he has turned it
in & wont with out
instructions from you
may I know your answer
soon & thanks a lot
Yours Respect
George J Osterholdt
Pegram
Idaho

