

# Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,  
County of Fremont } ss.

Joseph Campbell, being first duly sworn, deposes and says: That his postoffice address is Chester, Idaho; That he is the owner of and using a certain water right, bearing date of priority of June 10th, 1887, 19    , for 3/5 (6) cubic feet per second of the waters of Fall River, County of Fremont, State of Idaho, decreed to John Hathaway, by decree of Judge J. M. Stevens, of the N Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Co. et. al. vs. Teton Irrigation Canal Co. et. al. said decree bearing date of December 10, 1910 for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 36, in the County of Fremont, and State of Idaho, to-wit:

EISELS:1 Sec. 19 Tp. 8 N. R. 42 E. B. M.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: By purchase

That said waters are now diverted from said stream in the NW 1/4 SW 1/4 of Sec. 20, Twp. 8 N, Range 42 E, and conducted to the above described lands through the Brown-Curr ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in SE 1/4 of SW 1/4, Sec. 20, Twp. 8 N, Range 42 E, and thereafter conduct same to the above described land through the Chester Canal Co ditch, as per map above referred to:

That his reasons for desiring to make such change are as follows:  
Unable to irrigate the whole of said land from present diversion

That no one will be injured by such change and that such change will be made at affiant's own risk.

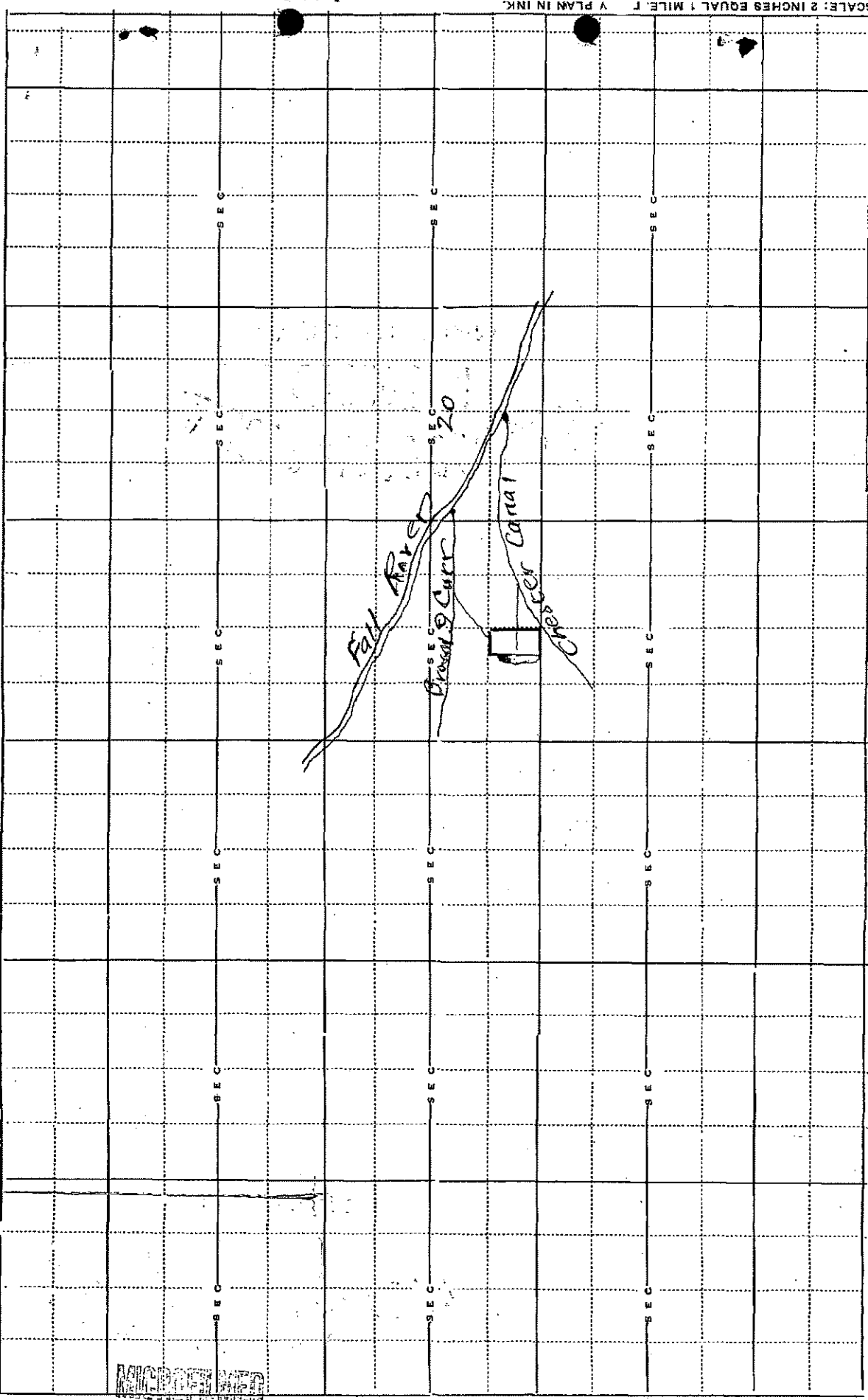
Subscribed and sworn to before me this 30th day of June, 1930.

Joseph Campbell  
Affiant.

[Signature]  
Notary Public for Idaho

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

RECORDED  
INDEXED



SCALE: 2 INCHES EQUAL 1 MILE. T V PLAN IN INK.

We, the undersigned, owners and users of the water rights and what is known as Brown-Curr Ditch in Fremont County, Idaho, a part of which right and ownership of said ditch is held and owned by Joseph Campbell, hereby consent to the change of point of diversion asked for by affiant Campbell in the annexed affidavit by him made for such purpose.

Dated this 30th day of June, 1930.

O. W. Winters  
V. H. Blanchard  
Robert Blaser  
J. M. Harrison  
Alvin A. Howard  
Alvin A. Winters

3/83

IDENT. NO. 21-00060

## ID A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT  
DATA ENTRY LOG

[illegible]

21-0060

July 7, 1930.

Re: CHANGE OF POINT OF DIVERSION  
Case No. 123

Mr. LYNN CRANDALL  
Idaho Falls  
I d a h o

Dear Lynn:

Reference is made to your letter of July 2 and to your letter of the 5th relative to the affidavit for change of point of diversion by JOSEPH CAMPBELL:

In this connection, you are informed that this affidavit has been filed as of July 3, 1930.

The statute providing for change of point of diversion does not set up any definite procedure and the practise of the office has been simply to file them; notify the watermaster to deliver the water at the new point of diversion, etc.

It is assumed if any party is injured by such change that he would take appropriate court action to prevent such change.

The requirement that the owners of a community ditch must consent to a change of point of diversion of a part of the water diverted through such ditch was made without authority from the statute on the theory that partial removal of water from such a ditch might cause damage which could be determined; as a matter of fact and in such a case the owner should not be required to resort to judicial determination.

The statute is very indefinite and, in my opinion, very unsatisfactory inasmuch as it does not definitely set up the procedure to put it in force. I think it should be amended to provide for publication of notice and some provision for protest and appeal should be made similar to that provision in the statute providing for change in point of use.

Very truly yours,

Assistant Commissioner  
of Reclamation

MICROFILMED

21-0000



H. C. BALDRIDGE, GOVERNOR

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

GEORGE N. CARTER, COMMISSIONER  
G. CLYDE BALDWIN, DEPUTY

WATER DISTRICT NO. 36

IDAHO FALLS, IDAHO.

July 5, 1930

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

Dear Mr. Carter:

In further reference to the affidavit of Joseph Campbell for change of point of diversion which I forwarded you a few days ago:

I am advised by Mr. F. A. Miller of St. Anthony, Attorney for Mr. Campbell, that the two users in the Brown Curr ditch, who had refused to file their written consent to the transfer, have now withdrawn their objections so I take it that this change in point of diversion can now become effective.

Very truly yours,

*Lynn Handall*

Deputy.

MICROFILMED

31-2260



H. C. BALDRIDGE, GOVERNOR

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

GEORGE N. CARTER, COMMISSIONER  
G. CLYDE BALDWIN, DEPUTY

WATER DISTRICT NO. 36

IDAHO FALLS, IDAHO.

July 2, 1930

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

Dear Sir:

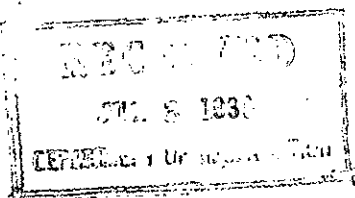
I am enclosing, herewith, Notice of Change of Point of Diversion of a decreed water right owned by Joseph Campbell. Mr. Campbell has secured the consent of six users in his present ditch to the transfer but there are two parties who own an interest in the ditch who are unwilling to sign this statement consenting to the change of point of diversion.

I do not know, under these circumstances, whether it is your procedure to grant such a change in point of diversion or not. I would be pleased to have you advise me as to whether I should permit Mr. Campbell to draw his decreed right through the new ditch in accordance with this affidavit.

Very truly yours,

*Lynn Randall*

Deputy.



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